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# HOUSE OF REPRESENTATIVES,

OF THE

FIFTH LEGISLATIVE ASSEMBLY

OF THE

## TERRITORY OF IOWA,

BEGUN AND HELD AT IOWA CITY, ON THE FIRST MONDAY OF DECEMBER,  
BER, ONE THOUSAND EIGHT HUNDRED AND FORTY-TWO.

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IOWA CITY:

PRINTED BY WILLIAM CRUM,

1843.



HOUSE OF REPRESENTATIVES

FIRST JOURNAL OF THE

TERRITORY OF IOWA

AND THE FIRST JOURNAL OF THE  
LEGISLATIVE ASSEMBLY OF THE

STATE OF IOWA

PRINTED BY HARRISON

1843



15:00

**JOURNAL**  
OF THE  
**HOUSE OF REPRESENTATIVES**  
OF THE  
TERRITORY OF IOWA,

Begun and held at Iowa City, on Monday the 5th day of December, in the year of our Lord, one thousand eight hundred and forty-two, by virtue of an Act of the Legislative Assembly, approved January 13, 1841.

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At 12 o'clock, M., the House was called to order by JOSEPH T. FALES, Chief Clerk, when the following named gentlemen appeared, presented their credentials, and took their seats, the requisite oath having been administered by F. H. LEE, Esq.:

From the County of Lee—JAMES BRIERLY, E. S. McCULLOCH, and WILLIAM STEELE.

From the County of Van Buren—RICKEY D. BARTON, ISAAC N. LEWIS, and SAMUEL SWEARINGEN.

From the County of Des Moines—DAVID E. BLAIR, ABNER HACKLEMAN, GEORGE HEPNER, and DAVID J. SALES.

From the County of Henry—EVAN JAY, THOMAS McMILLAN, and PATON WILSON.

From the County of Jefferson—JOHN W. CULBERTSON.

From the County of Louisa—JOSEPH NEWELL.

From the County of Washington—DAVID BUNKER.

From the County of Muscatine—ERR THORNTON.

From the County of Johnson—HENRY FELKNER.

From the Counties of Cedar, Linn and Jones—GEO. H. WALWORTH and JOHN C. BERRY.

From the County of Scott—JOSEPH M. ROBERTSON.

From the County of Clinton—ELI GODDARD.

From the County of Jackson—ANSEL BRIGGS.

6-25-94



From the Counties of Dubuque, Delaware and Clayton—THOMAS ROGERS, and FREDERICK ANDROS.

A quorum of the members elect being present, it was,

On motion of Mr. Wilson,

Ordered, That Joseph M. Robertson, of Scott county, be appointed Speaker pro tem.

On motion of Mr. Walworth,

Resolved, That a committee of two be appointed to wait on the Rev. Mr. Bowman, and request him to open the present session of the House by prayer.

Messrs. Walworth and McCulloch were appointed said committee, who, in a short time, introduced Mr. Bowman, when he engaged in public prayer.

On motion of Mr. Felkner,

Ordered, That the House proceed to elect, viva voce, a committee to examine the credentials of members.

On motion of Mr. Lewis,

The following named gentlemen were appointed said committee: Messrs. Rogers, Jay, Barton, Hepner, and Culbertson.

On motion of Mr. Hepner,

Ordered, That the Rules of the last session of the House be adopted temporarily for the government of this House.

A motion was made by Mr. Rogers, that the committee appointed to examine the credentials of the members have time until to-morrow morning to make their report.

The motion was decided in the negative.

A motion was made by Mr. Hepner, that the House do now adjourn until to-morrow morning at 9 o'clock. And, the question being put, was decided in the negative;

Yeas 11; Nays 14.

The yeas and nays being desired by two members, those who voted in the affirmative were,

Messrs. Andros,

Berry,

Brierly,

Briggs,

Culbertson,

Felkner,

Goddard,

Hackleman,

Hepner,

McCulloch,

Rogers.

Those who voted in the negative were,

Messrs. Barton,

Blair,

Bunker,

Jay,

Lewis,

McMillan,

Newell,

Robertson,

Sales,

Steele,

Swearingen,

Thornton,

Walworth,

Wilson.

A motion was made by Mr. Walworth, that the House do now adjourn until 2 o'clock P. M.

The motion was lost.



A motion was made by Mr. McMillan, that the committee appointed to examine the credentials of the members have leave to sit during the session of the House, and to report forthwith.

And on this question the yeas and nays were desired by two members.

Those who voted in the affirmative were,

Messrs. Brierly,	Newell,	Thornton,
Culbertson,	Robertson,	Walworth,
Jay,	Sales,	Wilson.
Lewis,	Steele,	
McMillan,	Swearingen,	

Those who voted in the negative were,

Messrs. Andros,	Briggs,	Hackleman,
Berry,	Bunker,	Hepner,
Barton,	Felkner,	McCulloch,
Blair,	Goddard,	Rogers.

The committee retired and after a short time returned and asked for further time.

On motion of Mr. Felkner,

Ordered, That the committee have until 3 o'clock to make their report.

On motion of Mr. Walworth, the House adjourned until three o'clock, P. M.

### THREE O'CLOCK, P. M.

On motion of Mr. Lewis,

Ordered, That William Meachem be appointed Sergeant at Arms pro tem.

A motion was made by Mr. Rogers,

That the committee on elections have further time to make their report.

The motion was lost.

The committee retired and after a short time submitted the following report, viz :

The committee appointed to examine the credentials of the members of this House, have had the same under consideration, and report, that those individuals who were sworn in as members of this House to day, have been duly elected as such.

The report was concurred in.

A motion was made by Mr. Hackleman,

That the House do now adjourn until 10 o'clock to morrow morning;

And the question being put,

It was determined in the negative.



A motion was then made by Mr. Rogers,  
That the House adjourn until 7 o'clock in the evening;  
And the question being put,  
It was decided in the negative; yeas 10, nays 15.  
The yeas and nays being desired by two members,

Those who voted in the affirmative were,  
Messrs. Andros,                      Felkner,                      McCulloch,  
                Berry,                      Goddard,                      Rogers.  
                Briggs,                      Hackleman,  
                Culbertson,                      Hepner,

Those who voted in the negative were,  
Messrs. Barton,                      Lewis,                      Steele,  
                Blair,                      McMillan,                      Swearingen,  
                Brierly,                      Newell,                      Thornton,  
                Bunker,                      Robertson,                      Walworth,  
                Jay,                      Sales,                      Wilson.

So the motion was lost.

A motion was made by Mr. Wilson,  
That the House proceed to the election of a Speaker.

And the question being put,  
It was decided in the negative, yeas 10, nays 15.  
The yeas and nays being desired by two members,

Those who voted in the affirmative were,  
Messrs. Blair,                      Newell,                      Walworth,  
                Bunker,                      Sales,                      Wilson.  
                Jay,                      Steele,  
                McMillan,                      Thornton,

Those who voted in the negative were  
Messrs. Andros,                      Culbertson,                      Lewis,  
                Barton,                      Felkner,                      McCulloch,  
                Berry,                      Goddard,                      Robertson,  
                Brierly,                      Hackleman,                      Rogers,  
                Briggs,                      Hepner,                      Swearingen.

So the motion to proceed to the election of a Speaker was lost.

On motion of Mr. Rogers,  
The House adjourned until to morrow morning at 9 o'clock.



TUESDAY MORNING, DECEMBER 6, 1842.

The House met pursuant to adjournment.

Mr. Hepner presented the credentials of James M. Morgan, member elect from the county of Des Moines, who was sworn and permitted to take his seat.

Mr. Lewis offered the following:

Resolved, That it is the duty of this House to select its officers equally from each of the great political parties of this Territory.

And the question being put, will the House adopt the resolution? it was decided in the affirmative.

Yeas 17, Nays 9.

The yeas and nays being desired by two members,

Those who voted in the affirmative were,

Messrs. Barton,  
Berry,  
Blair,  
Brierly,  
Bunker,  
Culbertson,

Jay,  
Lewis,  
McMillan,  
Newell,  
Robertson,  
Sales,

Steele,  
Swearingen,  
Thornton,  
Walworth,  
Wilson.

Those who voted in the negative were,

Messrs. Andros,  
Briggs,  
Felkner,

Goddard,  
Hackleman,  
Hepner,

Morgan,  
McCulloch,  
Rogers.

On motion of Mr. Hepner,

Ordered, That a committee of one from each electoral district be appointed to make an apportionment of the officers according to representation, as near as may be.

Messrs. Brierly, Lewis, Hackleman, Jay, Culbertson, Newell, Walworth, Thornton, Goddard, and Andros, were appointed said committee.

On motion of Mr. Barton,

The committee were directed to report at 3 o'clock P. M.

On motion of Mr. Walworth,

The House adjourned until 3 o'clock P. M.



## THREE O'CLOCK, P. M.

Mr. Brierly, from the select committee appointed to make an oppor-  
tionment of the officers of the House between the political parties of  
the Territory, reported that they had had the same under considera-  
tion, and would recommend that the House elect a Democratic Speaker,  
a Whig Clerk, and a Democratic Sergeant-at-Arms.

And the question being, will the House adopt the report of the com-  
mittee? it was decided in the affirmative.

Yeas 15, Nays 11.

The yeas and nays being desired by two members,

Those who voted in the affirmative were,

Messrs. Barton,	Lewis,	Steele,
Blair,	McMillan,	Swearingen,
Brierly,	Newell,	Thornton,
Bunker,	Robertson,	Walworth,
Jay,	Sales,	Wilson.

Those who voted in the negative were,

Messrs. Andros,	Felkner,	Morgan,
Berry,	Goddard,	McCulloch,
Briggs,	Hackleman,	Rogers.
Culbertson,	Hepner,	

On motion of Mr. Newell,

The House proceeded to the election of a Speaker.

Messrs. Walworth and Newell were appointed tellers.

Mr. Andros nominated James M. Morgan.

The members balloted, and, after counting the same, it was found  
that

Henry Felkner had received	13 votes,
James M. Morgan	12
Blank	1

There being no choice, the House proceeded to a second ballot, and,  
upon counting the same, it appeared that

James M. Morgan had received	13 votes,
Scattering	13

No choice being made, the House balloted the third time, when it  
appeared that

James M. Morgan had received	14 votes,
Scattering	12

Mr. Morgan, having received a majority of all the votes, was declar-  
ed duly elected Speaker.

Messrs. Hepner and Jay conducted the Speaker to the chair, when  
he addressed the House as follows:



GENTLEMEN—I feel sincerely grateful for the honor which you have just conferred upon me. And in accepting it, gentlemen, you may be assured that I am neither unmindful of the high responsibilities which I assume, nor unconscious of my inability faithfully and properly to discharge the duties which devolve upon the presiding officer of this House. But little practiced in the business of legislation, and possessing only a partial knowledge of parliamentary rules, I shall doubtless commit many errors—but I trust, gentlemen, that your generosity will attribute them more to an imperfect understanding of your rules than to a design to thwart your wishes. Relying, as I shall do at all times, upon your generous assistance, I accept, with feelings of gratitude and pride, the honorable place which you have assigned to me in this assembly—and I am happy in the belief, gentlemen, from the character of this honorable body, that I may rely with confidence upon your kindness for any aid which I may need in the discharge of my duties. Again, gentlemen, I offer you my thanks for the distinction which you have been pleased to bestow upon me.

A motion was made by Mr. Andros that the House do now adjourn until to-morrow morning at 10 o'clock; and the question being put, it was determined in the negative.

Yeas 12, Nays 14.

The yeas and nays being desired by two members,

Those who voted in the affirmative were,		
Messrs. Andros,	Culbertson,	McCulloch,
Berry,	Felkner,	Rogers,
Brierly,	Hackleman,	Swearingen,
Briggs,	Hepner,	Speaker.

Those who voted in the negative were,		
Messrs. Barton,	Lewis,	Steele,
Blair,	McMillan,	Thornton,
Bunker,	Newell,	Walworth,
Goddard,	Robertson,	Wilson.
Jay,	Sales,	

On motion of Mr. Wilson,

The House proceeded to elect a Chief Clerk.

Mr. Jay nominated B. F. Wallace.

Mr. Rogers nominated Jos. T. Fales.

The members proceeded to ballot, and, upon counting the same, it was found that

B. F. Wallace had received	15 votes,
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Jos. T. Fales	11
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Mr. Wallace, having received a majority of all the votes, was declared duly elected Chief Clerk.

On motion of Mr. Lewis.



The House proceeded to the election of a Sergeant-at-Arms.

Mr. Lewis nominated Wm. Meacham;

Mr. Rogers nominated F. Byerly;

Mr. Briggs nominated Matthew Dwen;

Mr. Steele nominated John Brown;

Mr. Wilson nominated James McCaulley;

Mr. Brierly nominated C. Parker.

The members balloted, and, upon counting the same, it was found that

Mr. Meacham had received	-	9 votes,
Byerly	"	2
Dwen	"	1
McCaulley	"	7
Brown	"	1
Taylor	"	1
Parker	"	2
Blank	"	3

There being no choice, the House went into a second ballot.

Mr. Hepner nominated T. A. Taylor.

After balloting, it was found that

Mr. Meacham had received	-	14 votes,
McCaulley	"	7
Taylor,	"	4
Dwen	"	1

Mr. Meacham, having received a majority of all the votes, was declared duly elected Sergeant-at-Arms.

On motion of Mr. Barton,

The House adjourned until to-morrow morning at 10 o'clock.

### WEDNESDAY MORNING, DECEMBER 7, 1842.

The House met pursuant to adjournment.

B. F. Wallace, Chief Clerk elect, and William Meacham, Sergeant-at-Arms elect, came forward and were sworn into office.

Mr. Lewis moved

That a committee of one from each electoral district be appointed to draft Rules for the government of the House;

Which was agreed to, and

The Chair appointed Messrs. Andros, Barton, Brierly, Culbertson, Felkner, Hepner, McMillan, Newell, Robertson, and Walworth, said committee.



Mr. Robertson moved

That a committee of two be appointed to inform the Council that the House of Representatives was organized and ready to proceed to Legislative business;

Which was agreed to, and

The Chair appointed Messrs. Robertson and Hepner said committee, who reported in a short time that they had discharged their duty.

Mr. Lewis offered the following:

Resolved, That the Chief Clerk of this House be directed to make arrangements with the Postmaster of this city for the payment of all postage on letters and papers sent to and from this House, during the present session, and report the same to this House.

On motion of Mr. Wilson,

The House adjourned until 2 o'clock P. M.

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TWO O'CLOCK, P. M.

Mr. Andros offered the following:

Resolved, That the publishers of the Iowa City Reporter do the incidental printing of this House during the present session.

Mr. Newell moved to amend the resolution by striking out the words "Iowa City Reporter" and insert "Iowa Standard."

Mr. Brierly moved a call of the House, which was had, and the absent members sent for.

The absent members appearing in their seats,

On motion of Mr. Rogers,

The further call of the House was dispensed with.

Mr. Lewis then moved that the resolution be laid upon the table until Tuesday next;

Which was agreed to.

Mr. Barton offered the following:

Resolved, That the Rev. Dr. Woods and the Rev. Mr. Bowman be permitted to preach in this House every Sabbath, as may suit their own arrangements;

Which was,

On motion of Mr. Rogers,

Laid on the table until to-morrow.

On motion of Mr. Felkner,

Resolved, That the Chief Clerk furnish each member of this House with twenty copies, weekly, of such newspaper or papers published in this city, as they may direct;

Which was adopted.

Mr. Hackleman offered the following:

Resolved, That the Governor, Secretary, members of the Council, Judges of the Supreme Court, members of the former Council and House of Representatives, Ministers of the Gospel, Editors of the dif-



ferent newspapers, and all persons having special business with this House, be allowed to take seats within the bar of this House.

Mr. Rogers moved to lay the resolution on the table;

Which was disagreed to.

Mr. Rogers then moved to amend the resolution by adding the following: "All gentlemen of the legal and medical professions, and farmers and mechanics, be privileged to take seats within the bar of this House;"

Which was lost.

Mr. Felkner then offered the following as a substitute:

Resolved, That the Governor, Secretary, members of the Council, and Editors of newspapers, be permitted to take seats within the bar of this House;

Which was adopted.

Messrs. Gehon and Wallace, a committee from the Council, appeared and informed the House of Representatives that the Council were now organized and ready to proceed to Legislative business.

The following message was received from the Council by Mr. Fales, their Secretary:

Mr. Speaker—The Council have appointed Messrs. Springer and Cook a committee on the part of the Council, to act in conjunction with a similar committee to be appointed on the part of the House to wait upon the Governor and inform him that the two Houses are now organized and ready to receive any communication he may have to make to them.

On motion of Mr. Wilson,

Resolved, That there be a committee of two members of the House appointed, to act with a corresponding committee of the Council, to wait upon his Excellency the Governor, and inform him that the two Houses are organized and ready to receive any communication he may have to make to them. And

The Chair appointed Messrs. Wilson and Felkner said committee.

Mr. Rogers gave notice that he would, on some future day, introduce a bill to repeal the charter of the Miners' Bank of Dubuque, and to provide for the winding up of the affairs of the same.

Mr. Wilson, from the committee appointed to wait upon the Governor, &c. reported that they had discharged the duty assigned them, and that the Governor would send in his communication immediately.

Mr. Reno, the private secretary of the Governor, appeared and presented the following

#### MESSAGE FROM THE GOVERNOR.

*Fellow Citizens of the Council,*

*And of the House of Representatives:*

Since the last annual meeting of the Legislative Assembly, the people of the Territory have continued to enjoy the blessings of health and peace, and industry has been rewarded with abundance. Let us,



therefore, in renewing our efforts to promote the general welfare, not forget to acknowledge, with humility, our dependence upon the Most High, and to implore a continuance of his protection and favor.

Our population has continued steadily to increase, and the progress of improvement, in the limited extent of territory open to settlement, has been most cheering.

By a treaty recently made with the Sac and Fox Indians, under the direction of the President, they have ceded to the United States all their remaining claims to land in this Territory, embracing a tract of country estimated to contain ten millions of acres, a very large proportion of which is unsurpassed in fertility and beauty by any in the world—abounding in navigable streams of the purest water, and offering inducements to its settlement at least equal to any portion of the great valley of the Mississippi. If this treaty should meet the approbation of the President and Senate, the immediate influx of population into the country acquired by it will, in order to give effect to the laws and ensure the due administration of justice, render the organization of additional counties necessary.

Under the provisions of the Act of the last session “to provide for the expression of the opinion of the people of the Territory upon the subject of the formation of a State Constitution and Government, and to enable them to form a Constitution for the State of Iowa,” polls were opened in all the counties, at the time of holding the general election for members of the Council and House of Representatives, and the question of “Convention” or “No Convention” submitted to the voters. Returns of the result have been made to the Secretary of the Territory, (with the exception of a single precinct in one of the counties,) which show a majority in every county, and a large aggregate majority, against a convention.

The progress of the edifice for the accommodation of the Legislature and the Public Offices at the seat of Government, has been quite as rapid and satisfactory as the means placed at the disposal of the Territorial Agent and Superintendent could have justified us in expecting. Whether the provision already made will be sufficient for the completion of the building, you will be enabled to determine after the reports of the Agent and Superintendent shall be submitted to you.

The further progress of the Penitentiary buildings is arrested by the want of means to carry on the work; and, although Congress has appropriated money to pay the debts heretofore contracted for labor performed and materials furnished, we are left to regret the failure to supply the means of completing it—and to regret it the more deeply, because, while our citizens, by their enterprise and industry, are daily enhancing the value and availability of the public domain within our Territorial limits, it forms so large a portion of the great source of revenue, available to our more fortunate neighbors of the States, but prohibited to us, that, to raise revenue for such purposes by a direct tax upon those who have obtained a right to small portions of land, by the sacrifice of all their present enjoyments and many of the comforts



of a more advanced stage of improvement, would be unjust and oppressive—struggling, as they are, amidst the exhaustion of their pecuniary means thus produced, to erect shelters for their families, and bring into cultivation a sufficient portion of the soil for their support. Such a tax, in addition to the contributions demanded of them for indispensable county purposes, would operate with a degree of severity which, it is feared, the Representatives of the States in Congress do not justly appreciate. Our population, like that of most new countries, is made up, in a great degree, of enterprising and industrious individuals with young and dependent families, who, urged by the hope of bettering their condition, press forward to the frontier with very limited means; and all the money they bring with them, as well as the first products of their labor, is immediately absorbed in the purchase of small portions of land, and in efforts to render it available for their subsistence. None but those who have witnessed can justly appreciate the privations, and, in many instances, the actual suffering, submitted to by the enterprising and hard working inhabitants of a frontier settlement, for the procurement of permanent homes, in even the smallest legal subdivision of the public land. To such a population, standing in the front rank of the general defence, in case of war with our savage neighbors, extending the march of civilization into the wilderness, increasing the population and resources of the Republic, and replenishing the national treasury, by the application of all their resources to the purchase of the public lands, (which but for their enterprise and industry would be comparatively valueless,) a just and liberal government ought not to dole out its aid with a parsimonious hand.

Our criminal laws have been enacted with a view to the reformation of offenders, by the substitution of confinement and labor for punishments of a sterner character. Their due administration is inseparably connected with the use of the Penitentiary; and, in the absence of the hoped for aid of the General Government to complete it, I commend to your earnest consideration whether, under existing circumstances, any means, not absolutely oppressive to our fellow citizens, can be devised for carrying on and so far perfecting the work as to render it more extensively available for the purposes for which it was commenced.

In my last annual message I took occasion to call the attention of the Legislature to the inefficiency of the law to prohibit and punish the sale of intoxicating liquors to our Indian neighbors; but no further legislation on the subject was then deemed necessary, and the offence has continued to be perpetrated, with very few exceptions, with entire impunity, and is increasing in frequency. I deem it, therefore, an imperative duty again to invoke your deliberate consideration of the matter. The crime not only involves a breach of positive law, and a most pernicious and degrading disregard of the principles of morality and religion, but tends to produce collisions between our frontier inhabitants and the Indians, affecting life and the destruction of property, and may lead to conflicts of a more extensive and dangerous character, without some more effectual means of suppressing it than at present exist can be devised.



THURSDAY, DECEMBER 8, 1842.

The House met pursuant to adjournment.

On motion of Mr. Robertson,  
Resolved, That the following be the standing committees of this House:

On Judiciary;  
Common Schools;  
Internal Improvements;  
Claims;  
Military Affairs;  
Enrolled Bills;  
Engrossed Bills;  
Expenditures;  
Territorial Affairs;  
Roads and Highways;  
Corporations;  
Township and County Boundaries;  
Public Buildings;  
Agriculture.

Mr. Wilson offered the following:

Resolved, That the Secretary be requested to furnish each member of this House with the Statutes of this Territory;  
Which was agreed to.

On motion of Mr. Robertson,  
Resolved, That the Chief Clerk make out written instructions to the subordinate officers of this House, to aid them in the discharge of their respective duties.

The Chair submitted the following report from the Clerk:

HOUSE OF REPRESENTATIVES, }  
December 8, 1842. }

Mr. Speaker—In compliance with a resolution of the House, relative to an arrangement with the Postmaster of this city, I ask leave, through you, to report—That I have had an interview with the Postmaster upon the subject of said resolution, and have received for answer, that if the Secretary of the Territory will agree to allow and pay the postage account that may be incurred by the House during the present session at the close of the session: Or, if the House will consider itself responsible for the same, in the event that the Secretary refuses, then the arrangement can be made, and not otherwise. I have also consulted the Secretary, and learn from him that he will not



consent to any such arrangement; but that the account must be approved at Washington and audited by the proper department before he would be authorized to pay it. He also informed me that the account for papers, &c. which, as per resolution of the House, I am required to furnish, would be in the same situation.

Very respectfully,

B. F. WALLACE,  
Clerk Ho. Reps.

Which was,

On motion of Mr. Walworth,

Referred to a select committee; and the Chair appointed Messrs. Walworth, Hepner and McMillan said committee.

The resolution of yesterday, giving to the Rev. Dr. Woods and the Rev. Mr. Bowman the privilege of preaching in the Hall, &c. being under consideration,

Mr. Walworth offered the following as a substitute for the same, which was accepted by the original mover:

Resolved, That the Speaker of the House be authorized to grant the use of this Hall to the regular pastors of this city, alternately, for the purpose of public worship on the Sabbath day.

Mr. Jay then moved to amend by adding the following: "To Ministers of all professions, whether resident here or elsewhere, at the discretion of the Speaker;" and, upon the adoption of this amendment, the yeas and nays were ordered;

Yeas 22, Nays 4.

Those who voted in the affirmative were,

Messrs. Barton,	Hepner,	Steele,
Blair,	Jay,	Swearingen,
Brierly,	Lewis,	Thornton,
Briggs,	McCulloch,	Walworth,
Culbertson,	Newell,	Wilson,
Felkner,	Robertson,	Speaker.
Goddard,	Rogers,	
Hackleman,	Sales,	

Those who voted in the negative were,

Messrs. Andros,	Bunker,	McMillan,
Berry,		

So the amendment was agreed to.

Mr. Barton moved

A reconsideration of the vote; upon which motion the yeas and nays were ordered;

Yeas 23, Nays 3.

Those who voted in the affirmative were,

Messrs. Barton,	Brierly,	Bunker,
Blair,	Briggs,	Culbertson,



No serious effort seems to have been made in any part of the Territory to carry into operation the plan of public instruction provided for by the existing laws; and it is to be feared that until the *permission* to organize township schools is rendered a positive duty, enforced by proper penalties for neglect, the laws now in force will remain inoperative.

The almost total failure of the officers of our militia to make returns of the numerical strength and equipment of their respective commands as required by law, puts it out of the power of the War Department of the General Government, under the existing laws of the United States, to make such a distribution of arms to the Territory as, with proper returns and reports, we should be entitled to; and such is the universality of this gross negligence of duty, that it seems to leave the executive authority no means of correcting the evil but by a resort to the onerous duty of a general dismissal of delinquents from command, leaving it doubtful whether others could be found to fill their places who would perform the duties with more efficiency. I would, therefore, respectfully suggest for your consideration the propriety of imposing pecuniary penalties for this description of official delinquency; and (as it would be difficult, if not impossible, under existing circumstances, to constitute a military court, in which the judges and the accused would not be found equally in default) to commit the enforcement of such penalties to the civil tribunals.

The experience of another year confirms the opinion expressed at the close of the last, of the vast importance to the people of the west of the removal of the obstructions to the safe navigation of the Mississippi and its principal tributaries. The destruction of property (to say nothing of the loss of life) occasioned by these obstructions, in the last ten or twelve months, is believed to be equal in amount to the sum necessary for their removal; but, as a work of so much magnitude and general importance can only be effected by the concentrated action of the nation, through its Representatives in Congress, we must endeavor to console ourselves with the hope that the time cannot be very remote when union and concert among the representatives of the people interested in the navigation of the western rivers, will convince their brethren of the Atlantic States that *their interest* will be best consulted by allowing to us a just participation in the benefits to be derived from the application of the national treasure to the protection and security of commerce. The west has a right to demand such a participation, and, with union and concert among its representatives, the power to obtain it. Iowa, it is true, has no voice in the councils of the nation, but her citizens are contributors to the support of its government, and have a right to expect equal benefits from its action, which it can hardly be alleged they enjoy, while hundreds of thousands of dollars worth of their property is annually destroyed upon one of the largest rivers in the world, for the want of an expenditure of a much less sum than has been appropriated from the national treasury for the construction of a single breakwater or artificial harbor in the Delaware river, *for the*



*protection of commerce.* Whether it is worth while further to press this subject upon the attention of the *present* Congress by way of memorial or petition, is respectfully submitted to your consideration.

The restrictions imposed by an Act of the last session of Congress upon the expenditure of the appropriations for the support of the Territorial Governments, as well as the sum appropriated for this Territory, indicates a necessity for retrenchment in the usual expenses incident to your session. It is my duty, therefore, to recommend despatch in the performance of your legislative duties and economy in the expenditure of the fund appropriated for the expenses of your session.

It remains only for me to assure you of my readiness to co-operate with you in such of your acts as may require executive interposition.

I am, respectfully,

Your obedient servant,

JOHN CHAMBERS.

December 7th, 1842.

Mr. Hepner moved

That the Message be laid upon the table, and the Chief Clerk directed to furnish one thousand (1000) copies for the use of the House.

Mr. Wilson moved

To amend by striking out "one thousand" and inserting "fifteen hundred;" on which question the yeas and nays were ordered, and are as follows:

#### YEAS.

Messrs. McMillan.

Newell,

Wilson—3.

#### NAYS.

Messrs. Andros,

Felkner,

Rogers,

Barton,

Goddard,

Sales,

Berry,

Hackleman,

Steele,

Blair,

Hepner,

Swearingen,

Brierly,

Jay,

Thornton,

Briggs,

Lewis,

Walworth,

Bunker,

McCulloch,

Speaker—23.

Culbertson,

Robertson,

The original motion was then put and agreed to.

Mr. McMillan offered the following:

Resolved, by the Council and House of Representatives, That it is expedient to revise the laws of a general nature now in force in this Territory, and that a committee of — members on the part of the Council, and — members on the part of the House of Representatives, be appointed a Committee of Revision for that purpose.

On motion of Mr. Rogers,

The House adjourned until 10 o'clock to-morrow morning.



Messrs. Felkner,  
Goddard,  
Hackleman,  
Jay,  
Lewis,  
McCulloch,

McMillan,  
Newell,  
Robertson,  
Rogers,  
Sales,  
Steele,

Swearingen,  
Thornton,  
Walworth,  
Wilson,  
Speaker.

Those who voted in the negative were,  
Messrs. Andros,

Berry,

Hepner.

So the vote was reconsidered.

Mr. Andros then moved to postpone the whole subject indefinitely;  
upon which question the yeas and nays were ordered;

Yeas 5, Nays 21.

Those who voted in the affirmative were,  
Messrs. Andros,  
Hepner,

McMillan,  
Robertson,

Thornton.

Those who voted in the negative were,

Messrs. Barton,  
Berry,  
Blair,  
Brierly,  
Bunker,  
Briggs,  
Culbertson,

Felkner,  
Goddard,  
Hackleman,  
Jay,  
Lewis,  
McCulloch,  
Newell,

Rogers,  
Sales,  
Steele,  
Swearingen,  
Walworth,  
Wilson,  
Speaker.

So the motion was lost.

The question upon the amendment to the substitute was then put  
and agreed to.

Mr. Hepner moved

To lay the resolution, as amended, upon the table; upon which  
question the yeas and nays were ordered;

Yeas 5, Nays 21.

Those who voted in the affirmative were,  
Messrs. Andros,  
Bunker,

Hepner,  
McMillan,

Robertson.

Those who voted in the negative were,

Messrs. Barton,  
Berry,  
Blair,  
Brierly,  
Briggs,  
Culbertson,  
Felkner,

Goddard,  
Hackleman,  
Jay,  
Lewis,  
McCulloch,  
Newell,  
Rogers,

Sales,  
Steele,  
Swearingen,  
Thornton,  
Walworth,  
Wilson,  
Speaker.

So the motion was lost.



Mr. Andros then moved

To refer the resolution to a committee to consist of one from each electoral district; upon which question the yeas and nays were ordered;

Yeas 3, Nays 23.

Those who voted in the affirmative were,  
Messrs. Andros,

Hepner,

McMillan.

Those who voted in the negative were,  
Messrs. Barton,

Goddard,

Sales,

Berry,

Hackleman,

Steele,

Blair,

Jay,

Swearingen,

Brierly,

Lewis,

Thornton,

Briggs,

McCulloch,

Walworth,

Bunker,

Newell,

Wilson,

Culbertson,

Robertson,

Speaker.

Felkner,

Rogers,

So the motion was lost.

The question was then taken upon the adoption of the resolution as amended; upon which the yeas and nays were ordered;

Yeas 22, Nays 4.

Those who voted in the affirmative were,  
Messrs. Barton,

Goddard,

Steele,

Berry,

Hackleman,

Swearingen,

Blair,

Jay,

Thornton,

Brierly,

Lewis,

Walworth,

Briggs,

McCulloch,

Wilson,

Bunker,

Newell,

Speaker.

Culbertson,

Rogers,

Felkner,

Sales,

Those who voted in the negative were,

Messrs. Andros,

Robertson,

Hepner.

McMillan,

So the resolution was adopted.

The following message was received from the Council, by Mr. Fales, Secretary:

Mr. Speaker—The Council have appointed Messrs. Springer, Cook and Gehon a committee on the part of the Council, to act with a similar committee to be appointed by the House, to prepare the necessary Rules for the government of the intercourse between the two Houses.

On motion of Mr. Rogers,

The House adjourned until to morrow morning at 10 o'clock.



FRIDAY MORNING, DECEMBER 9, 1842.

The House met pursuant to adjournment.

The Chair announced the following as the standing committees of the House.

*On the Judiciary.*—Messrs. ROGERS, LEWIS, ANDROS, McMILLAN and HEPNER.

*On Public Instruction.*—Messrs. ROBERTSON, GODDARD, JAY, WALWORTH and NEWELL.

*On Internal Improvements.*—Messrs. BRIEREY, BLAIR, WILSON, BUNKER and THORNTON.

*On Claims.*—Messrs. ANDROS, FELKNER, HACKLEMAN, SALES and STEELE.

*On Enrolled Bills.*—Messrs. LEWIS and BRIGGS.

*On Engrossed Bills.*—Messrs. WALWORTH and BARTON.

*On Expenditures.*—Messrs. HEPNER, BERRY, McCULLOCH, LEWIS, and McMILLAN.

*On Territorial Affairs.*—Messrs. BRIGGS, BLAIR, CULBERTSON, JAY and SWEARINGEN.

*On Corporations.*—Messrs. BERRY, SALES, WILSON, BUNKER and BARTON.

*On Roads and Highways.*—Messrs. McCULLOCH, CULBERTSON, HACKLEMAN, WALWORTH and THORNTON.

*On Townships and County Boundaries.*—Messrs. WILSON, NEWELL, ROBERTSON, CULBERTSON and STEELE.

*On Public Buildings.*—Messrs. FELKNER, JAY, GODDARD, BRIERLY and SALES.

*On Military Affairs.*—Messrs. McMILLAN, NEWELL, HEPNER, BERRY and ROGERS.

*On Agriculture.*—Messrs. GODDARD, SWEARINGEN, THORNTON, BLAIR and WILSON.

Mr. Felkner presented the petition of sundry citizens of Johnson county, asking for an alteration of the Territorial Road, leading from Wyoming to Iowa City; which,

On motion of Mr. Felkner,

Was referred to a select committee, and

The Chair appointed Messrs. Felkner, Bunker and Thornton said committee.

Mr. Rogers presented the petition of Leroy Jackson and others, asking that a Territorial road be located from Marion in Linn county, to Dubuque; which,

On motion of Mr. Rogers,



Was referred to the committee on roads and highways.

Mr. Jay presented the petition, of sundry citizens of Henry county, asking the permanent location of that part of the Territorial road leading from Mount Pleasant to Trenton, that runs through sections 24 and 13, in said county; which,

On motion of Mr. Jay,

Was referred to the committee on roads and highways.

Mr. Robertson offered the following :

Resolved, That a committee of three be appointed to act in conjunction with a similar committee appointed on the part of the Council, to draft rules to govern the intercourse between the two Houses during the present session; and,

The Chair appointed Messrs. Robertson, Hepner and Lewis, said committee.

Mr. Walworth of the committee, to whom was referred the communication of the Chief Clerk, relative to an arrangement with the Post Master, &c., asked leave to sit now;

Which was granted.

Mr. Lewis asked leave to introduce a bill,

Upon which question the yeas and nays were ordered, and were as follows:

Yeas 20, Nays 4.

Those who voted in the affirmative were,

Messrs. Andros,	Goddard,	Sales,
Barton,	Hackleman,	Steele,
Berry,	Jay,	Swearingen,
Blair,	Lewis,	Thornton,
Briggs,	Newell,	Wilson,
Bunker,	Robertson,	Speaker.
Felkner,	Rogers,	

Those who voted in the negative were,

Messrs. Brierly,	Hepner,	McCulloch.
Culbertson,		

So leave was granted; and,

No. 2, H. R. file, A bill to repeal an act, entitled an act, relative to officers of the Legislative Assembly;

Was read a first time.

Mr. Walworth from the select committee, to whom was referred the communication of the Chief Clerk of this House, relative to an arrangement with the Post Master of this city, begs leave to report:

That they have had the same under consideration, and have waited on the Post Master, who informed your committee that an arrangement can be made; provided the House will be responsible for the



payment of the postage. Your committee would, therefore, recommend the passage of the following joint resolution;

Resolved, by the Council and House of Representatives of the Territory of Iowa, That the said Territory be held responsible for the payment by the General Government, of all postage accruing on all communications received or sent through the Post Office in this city, on Legislative business by members of the Council and House of Representatives;

Which report was,

On motion of Mr. Lewis,

Laid upon the table subject to the order of the House.

The Speaker submitted the following communication from the Secretary of the Territory:

SECRETARY'S OFFICE,  
Iowa City, Dec. 8, 1842. }

In reply to a resolution requesting the Secretary of the Territory to furnish each member of the House of Representatives with a copy of the statutes, he would respectfully represent, that a joint resolution to provide for the sale of the surplus copies of the statutes of the Territory, approved January 3rd, 1842, authorized and required the Secretary to distribute all the surplus copies of the acts of the several sessions in equal portions, to the boards of county commissioners in the Territory, after retaining one hundred and fifty copies of each in the Territorial library.

In obedience to the instructions contained in the resolution referred to, the Secretary proceeded to the examination of the various statutes left in this department, by his predecessor, and found that of the laws of the sessions of 1840-'41, there did not remain on hand a half dozen, and but few of other sessions, with the exception of the bound volume, of which there is a very large over proportion. This deficiency in the supply of some of the pamphlets on hand, and others almost entirely out of print, defeated the object of the joint resolution before alluded to, and it now denies to the Secretary the pleasure of complying with the requisition for furnishing each member of the House with a copy of the statutes conformably to the resolution passed this day.

O. H. W. STULL,  
Secretary of Iowa Territory.

Hon. SPEAKER of the House.

On motion of Mr. Robertson,

The House resolved itself into committee of the whole upon the Governor's message, Mr. Robertson in the Chair, after some time spent therein, the committee rose and by their Chairman reported, that they had had the same under consideration and that they had made the necessary references of the same to the appropriate standing committees,



and ask to be discharged from a further consideration of the subject;  
Which report was concurred in.

Mr. Newell gave notice that he would, on some future day, present a bill providing for a general valuation or stay law.

Mr. Hackleman gave notice that he would, on some future day, present a bill to amend the law now in force in this Territory, respecting assessing and collecting county revenue for County and Territorial purposes.

Mr. Rogers moved  
That the House adjourn until Monday next at 10 o'clock.

Mr. Robertson moved to amend, by moving to adjourn,  
Which was not agreed to.

And the question upon the original motion was then put and agreed to.

So the House adjourned until Monday morning next at 10 o'clock.

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MONDAY MORNING, DECEMBER 13, 1842.

The House met pursuant to adjournment.

Mr. Robertson presented the petition of Richard H. Dawson and others, asking the Legislative Assembly to authorize Alexander Brownlee and others, lawfully to construct a race through township eighty (80,) and ranges two (2) and three (3) east of the fifth principal meridian, as may be necessary to obtain sufficient mill power to answer their purposes; which,

On motion of Mr. Robertson,

Was referred to a select committee; and

The Chair appointed Messrs. Robertson, Berry and Goddard said committee.

Mr. Lewis presented the petition of sundry citizens of Van Buren county, asking the alteration of a road at its termination, as laid out by the County Commissioners of said county; and that said board of County Commissioners be authorized to establish said road in accordance with the prayer of said petitioners; which,

On motion of Mr. Lewis,

Was referred to a select committee, consisting of the Van Buren delegation.

Mr. McCulloch presented the petition of sundry citizens of Lee



county, asking the location of a Territorial road in said county, from Smith's mills to Fort Madison; which,

On motion of Mr. Brierly,

Was referred to the committee on roads and highways.

Mr. Jay offered the following preamble and joint resolution, which was read a first time and ordered to lie on the table one day:

Whereas, experience has made it self-evident that the clime and soil of Iowa is equal to any in the United States for wool growing, and that it is the duty of all legislative bodies to give encouragement to home industry and domestic manufactures;

Therefore—

Be it resolved, by the Council and House of Representatives, That the members of the next annual session of the Legislature of Iowa meet and appear clad in Iowa manufactures.

Mr. Walworth offered the following preamble and joint resolution, which was read a first time and ordered to lie on the table one day:

Whereas, the necessary and proper business of Territorial legislation involves none of the principles or policy of national government entertained by the two political parties of this Union; and whereas, we regard the agitation of national politics in this assembly as calculated to retard the progress of useful legislation and to engender a spirit of jealousy and distrust between members differing in political sentiments, resulting in favoritism in the distribution of the patronage of this Legislative Assembly, and consequently in an extravagant and unnecessary expenditure of the public money;

Therefore—

Be it resolved, by the Council and House of Representatives of the Territory of Iowa, That we deem it expedient, the better to allay party asperities and promote harmony and expedition in our legislative action, as well as an economical and judicious expenditure of money, to divide the printing and patronage of this Legislature, as nearly as may be, between the presses of the two political parties of this Territory; and, for this purpose, that a committee of three be appointed on the part of the House, to act in conjunction with a similar committee on the part of the Council, to wait on the proprietors of the two political presses of this city, and receive proposals for doing such printing as we may hereafter deem necessary, and report to this House.

On motion of Mr. Wilson,

Resolved, That the committee on internal improvements enquire into the expediency of memorializing Congress for an appropriation to improve the Rapids of the Mississippi river, and report to this House by memorial or otherwise.

Mr. Andros, from the committee on Rules, reported, that they had had the same under consideration, and beg leave to report the Rules of the last session, with the following amendments and additions, for adoption, viz:



Rule 2d. Strike out "on which appeal no member shall speak but once, unless by leave of the House."

Rule 5th. Strike out.

Rule 6th. Strike out after the word "Speaker," "shall correct and examine the Journal before it is read."

Rule 11th. Article 2d. After "resolutions" add "notices."

Rule 13th. After the words "sit down" strike out "unless" and insert "but may be."

Rule 17th. After the words "question was put" add "unless the Speaker shall again state the question."

Rule 22d. After the word "amendment" add "by leave of the House."

Rule 25th. After the words "in order" add "except when a member is speaking or the House voting."

Rule 33d. Strike out.

Rule 36th. Strike out, and substitute the following: "Any five members, if the Speaker be in the Chair, shall be authorized to compel the attendance of absent members."

Rule 41st. Strike out the word "fourteen" and insert "two thirds."

Rule 42d. After the words "10 o'clock A. M." add "2 o'clock P. M. unless otherwise ordered by the House."

Rule 47th. After the words "of the whole" strike out the conjunction "and."

Rule 50th. After the words "no amendment" add "except."

Rule 53d. After the word "Clerk" add "or chairman."

Rule 60th. Strike out, and substitute the following: "No bills, memorials or joint resolutions shall be printed unless ordered by the House."

Rule 61st. "Any member moving to refer any matter to a standing or select committee, may be a member of such committee, while such subject is under the consideration of said committee."

Which report was,

On motion of Mr. Robertson,

Referred to the committee of the whole House, Mr. Wilson in the Chair.

After some time spent therein the committee rose, and, through their chairman, reported the same back to the House with sundry amendments, which were concurred in.

Mr. Walworth moved

To amend by adding the following as an additional Rule:

Rule 62d. When any matter is referred to a standing committee, by motion of any member, it shall be the duty of the chairman of such committee to notify such members of their time of sitting upon such matter so referred; and said members shall be permitted to confer with the committee during their consideration of such matter;

Which was agreed to, and the report as amended was concurred in.

Mr. Felkner presented the Annual Report of the Territorial Agent, which follows:



## REPORT OF THE TERRITORIAL AGENT.

OFFICE OF TERRITORIAL AGENT,  
Iowa City, December 1, 1842. }

To the Honorable the Council

And House of Representatives:

In obedience to law, I herewith submit my Annual Report as Territorial Agent.

On entering upon the discharge of my duties, I found the law of the last session, relative to the sale of Iowa City Lots, approved February 17, 1842, undefined, to some extent, in its details, leaving much to the discretion of the Agent. In the exercise of that discretion, which, in my judgment, the law authorized and the public interest required, I suspended the sales at private entry, and proclaimed a public sale to be held on the third day of May.

Individuals, entertaining a different view of the law, demanded the right of private entry at the reduced minimum, none of whom were mechanics or laborers, and all, except in one or two cases, desiring to pay in Scrip of the issue of 1841. These applications were indiscriminately rejected at this office, and the entire plat, as it came into my hands, offered at public sale. To have done otherwise would have rendered the law a nullity, and thereby defeated the object contemplated by the Legislature in its passage.

At the public sale eighty-five lots were sold, the minimum price of which was \$10,604.

Advance upon the minimum price \$2,003.

Amount of sales at public sale,	\$12,607 00
Do. at private entry,	10,264 00
Total amount of sales,	<u>\$22,871 00</u>

Amount of Notes received of Jesse Williams, late Territorial Agent,	\$13,013 87
Amount of sales of 1842,	22,871 00
	<u>\$35,884 87</u>

Notes of 1839, '40 and '41 remaining in this office,	\$2,384 36
Notes remaining in the hands of Springer and Carleton,	3,131 69
Notes in the hands of F. H. Lee, including the docket of John Hawkins,	563 74
Notes of the sales of 1842 remaining in this office,	6,362 87
Disbursements of this office for the year 1842, ending 1st instant,	23,768 02
Scrip of the issue of 1841,	2,087 04
Notes of the Miners' Bank of Dubuque and Shawneetown,	33 00
	<u>\$38,330 72</u>



Disbursements, &c. of 1842,	-	-	-	38,330 72
Sales of 1842, &c.	-	-	-	35,884 87

Excess of disbursements over receipts,	-	-	-	2,445 85
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This excess consists of outstanding Scrip of				
the issue of 1842,	-	-	-	\$1,400 00
Debts contracted by this office,	-	-	-	1,045 85
				<u>\$2,445 85</u>

The above estimate does not cover the entire liabilities of this office for the current year. The Agent's salary, with other incidental expenses, may be estimated at				1,000 00
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Total indebtedness for the present year, including outstanding Scrip of 1842,	-	-	-	<u>\$3,445 85</u>
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Early in March last the Superintendent called upon me to consult upon the practicability of commencing operations on the Capitol. At that time I was much at a loss to know what course to advise or adopt. To commence a work of such magnitude with the limited and doubtful means within my control, was a hazardous experiment; delay was equally hazardous to success, while the situation of the building, and the importance of placing it under roof to prevent delapidation and decay, appeared to be paramount to every minor consideration. I therefore resolved to make a united effort with the Superintendent, and to place at his disposal all the means within my control, which could be made available.

On commencing the work without funds, I was under the necessity of contracting debts (in anticipation of collections) for provisions and other incidental expenses necessary in establishing a boarding-house at the stone-quarry, situated ten miles up the Iowa river, at a point where boarding could not otherwise be had.

The laborers made their engagements for lots, and to await the public sales.

During the months of March and April a competent number of hands were employed to carry on every department of business, and, at the sales in May, they became purchasers of property.

As a medium of exchange upon the lots, to facilitate the sales and to carry on the work, I took the *delicate* responsibility of issuing Scrip, based, however, exclusively upon the unsold lots, made payable to the bearer, and receivable at this office for all sales made *after the first day of May*, thereby avoiding the responsibility of either anticipating or creating cash debts. With this Scrip I paid the hands for the months of March and April, before the commencement of the sales in May, which went into general circulation, and left it discretionary with holders whether to purchase lots or part with it to others who had purchased or who might desire to purchase.

This Scrip, although convenient and useful in the purchase and payment of lots, would not pass with the merchants for goods, neither



would it be taken by the farmers for provisions. Under these embarrassing circumstances, I was compelled to adopt the plan of keeping supplies on hand through a large portion of the season, and issuing them out to suit the daily wants of those employed in the various branches of business connected with the Capitol. The keeping of daily accounts necessarily followed, and greatly increased the labors of my office—labors not anticipated, and unprovided for by law, but indispensable to the public service, under the present embarrassed condition of the public building fund.

Early in the month of June last the Superintendent made a requisition upon me for a bill of Iron for the roof of the Capitol, amounting to about five thousand pounds, together with a bill for twelve hundred lights crown glass. These constituted a heavy item, which could not be purchased short of St. Louis, where nothing but specie or its equivalent would be taken in payment. To meet this contingency, I sold Outlot No. 11 and Block No. 21 to Samuel Statler of Pennsylvania, (who was at that time in this city) for a draft payable at Pittsburg, for which I paid him a premium of twenty-five per centum. This draft (\$507) constitutes more than one-half of the actual cash handled by me through the season, and without which those purchases could not, with certainty, have been made.

I regret that it has been out of my power to pay the debt due the Miners' Bank of Dubuque. The first note for \$500, payable in the Missouri Bank at St. Louis, has been protested, and this office duly notified thereof. To avoid (if possible) a similar occurrence with the second note for \$5,000, payable in New York, I opened a correspondence with the officers of the bank, which influenced them to withhold the note for payment or adjustment at the bank at Dubuque. This note was executed on the 28th June, 1841, payable eighteen months after date, and will be due 28/31 instant, leaving time for some arrangement to save it from being dishonored. A copy of the correspondence is herewith submitted.

Outlot No. 10 has been reserved from sale on account of having been appropriated, by the citizens of Iowa City and its vicinity, to the use of a burial ground. On the 24th day of August a written application was filed for this lot by a portion of the citizens, a copy of which is submitted for the consideration and action of the Legislature.

The law defining the duties of Territorial Agent did not appear sufficiently clear to justify me in making settlements with the late Superintendent of Public Buildings, who had acted as sole Commissioner in the sale of lots and in the erection of the Capitol, in 1839-'40, and the late Territorial Agent who was his successor in 1841.

These accounts remain unsettled. The late Commissioner claims a balance of about \$600, which should be paid at the earliest convenience, if found due.

All of which is respectfully submitted.

JOHN M. COLMAN,  
Territorial Agent.

*man's trial and*



## CORRESPONDENCE.

OFFICE OF THE TERRITORIAL AGENT,

Iowa City, August 31, 1842. }

To the CASHIER:

Dear Sir—I have just received a letter to the address of Jesse Williams, Esq., late Territorial Agent, from the Bank of Missouri at Saint Louis, with a protest on his note, as Territorial Agent, for \$500, payable to the Miners' Bank of Dubuque.

The failure to meet this payment has been unavoidable. The office came into my hands without funds, with numerous small debts outstanding from last year, without any other resources than a remnant of old debts due the office from former sales, many of which are not collectable, and all difficult to collect.

The repeal of the law authorizing the Agent to borrow money, with the passage of an act requiring the city lots to be sold for work and materials for the further prosecution and completion of the Capitol, will place it out of my power to meet any part of the debt due to your bank this season. The note for \$5000, payable in New York, cannot be met at maturity; and the only mode which appears to me practicable, is to renew the debts on further time. I shall visit Dubuque in the course of three or four weeks, with a view to some arrangement in relation to the Territorial debt.

Very respectfully,

Your obedient servant,

JOHN M. COLMAN,

Territorial Agent.

OFFICE OF TERRITORIAL AGENT,

September 20, 1842. }

To the PRESIDENT and DIRECTORS

Of the Miners' Bank of Dubuque:

GENTLEMEN:—This will be handed you by the Hon. Francis Springer, one of the counsel for the Territory for the collection of debts, who will explain to you the situation of this office in relation to money matters. I wrote your cashier some time since upon the subject of the debts due to your bank, and informed him that it would be out of my power to meet those debts. Mr. Springer will confer with you fully upon the subject, and will be the bearer of any reply you may feel disposed to make to the letter above recited.

Very respectfully,

Your obedient servant,

JOHN M. COLMAN,

Territorial Agent.

*Iowa State Library*



MINERS' BANK,  
Dubuque, September 23, 1842. }

JNO. M. COLMAN, Esq.,  
Territorial Agent,  
Iowa City:

Sir—I have received your several favors of the 1st and 20th inst., and regret exceedingly that you will not be able to meet the note due this Bank in New York city in December next.

I had, in a great measure, depended upon the prompt payment of that debt, in order to enable me to take in the small balance of circulation of our notes now out.

Mr. Springer has mention to me your wish that I should not forward the note to New York city, where it is payable; and, to meet your wishes in that matter, I will retain the note in bank.

There has been made a deposit of \$50 to your credit, and any arrangement you may make for the payment, in small or large amounts, of the notes now due and becoming due, will be satisfactory.

I have the honor to be,

Respectfully, your obedient servant,

(Signed,)

H. PEARSON,

Cashier.

*Application to enter Outlot No. 10, for a Burial Ground.*

[A COPY.]

We, the undersigned, being desirous to pay becoming respect to the remains of our friends and relatives, whose graves are situate on Outlot No. 10, in Iowa City, do hereby apply to enter the said lot, with a view to preserve, with becoming decency, the remains of those who have been buried on said lot.

August 20, 1842.

(Signed,)

CHAUNCEY SWAN,

And others.

Which was read; and,

On motion of Mr. Lewis,

Was laid on the table subject to the order of the House.

The Speaker submitted the annual report of the Superintendent of Public Buildings, which follows:

REPORT OF THE SUPERINTENDENT OF PUBLIC BUILDINGS.

OFFICE OF SUPERINTENDENT PUBLIC BUILDINGS, }

Iowa City, December 1, 1842. }

To the Honorable the Council

And House of Representatives:

In obedience to law, I herewith submit my Annual Report, as Superintendent of Public Buildings, at Iowa City.

On entering upon the duties of my office, I received from my prede-



cessor, tools used in the quarry, and for the workmen on the building, also a set of blacksmith tools, some iron and some steel. Likewise the window frames and sash for the upper stories of the Capitol, a portion of the timber for the roof, which were partly framed, some oak flooring and rough boards, and other timber, on and about the building.

My first object was to consult the Territorial Agent in relation to the means within his control, for carrying on the work. I examined the old quarry, and found that the means of the office would not justify even a commencement there. I lost no time in making the necessary examinations, and succeeded in finding a fine bed of rock on the bank of the Iowa river, about ten miles northeast of the city, which presented a very promising appearance. Immediately I set hands to work, to opening the quarry, and also in preparing boats for transportation of the rock, and on the first day of April commenced stone cutting at the Capitol.

On the commencement of the masonry, the walls of the Capitol presented a very irregular appearance, varying in height about seven feet; the east front being to the top of the upper windows, while a part of the west front but a little above the lower part of the same tier of windows. The east front has been carried up from the lower part of the ante-caps, a height of eight feet, and a portion of the west front has been carried up fifteen feet. I succeeded in completing the south gable end; but owing to the low stage of the river in the fall, it was impossible to transport rock down for the north gable end, except at an increased expense, which would have been incompatible with the state of the funds in the hands of the Agent; I therefore enclosed it roughly with boards.

The whole number of cubic feet laid into the walls of the Capitol since the first of last April, are fifteen thousand, eight hundred and eighty three; of superficial feet of cut stone, four thousand, four hundred and fifty-six; and of superficial feet in moulded cut stone, or antecaps, four hundred and eight. The masonry of this part of the building has been the most expensive, it being nearly all solid, and the face of it all cut stone.

The roof is substantially framed and braced with strong iron bars and bolts at every part where it was thought necessary to add to its strength and durability. It is covered with Allegheny pine shingles, which were purchased at Cincinnati. The roofs of the porticos are formed and extended to the fronts of the building, in a situation to be joined to with convenience, when the porticos are ready for covering. The cornices are in an unfinished state. The cupola is completed to its first contraction or diminish, and temporarily covered.

Four rooms have been prepared, and every arrangement made, for the accommodation and comfort of the Legislature in the new edifice, that has been in my power to make. And I mainly attribute the consummation of the favorable result to the untiring energy and skillful management of the Territorial Agent in the financial department.

The law defining the duties of Superintendent of Public Buildings,



requiring him to keep an account of expenditures, has, to some extent, been superseded by the Act of last session, which requires the Territorial Agent to sell lots for work and materials on the Capitol. I therefore refer your honorable body to the report of the Territorial Agent for an exhibit of the expenditures on the Capitol for the present year.

All of which is most respectfully submitted.

W. B. SNYDER,  
Sup. Pub. Buildings, Iowa City.

Which was read, and,

On motion of Mr. Newell,  
Laid upon the table, subject to the order of the House.

No. 2, H. R. file, A bill to repeal an act, entitled an act, relative to officers of the Legislative Assembly;

Was taken up in its order, read a second time, and,

On motion of Mr. Lewis,  
Committed to a committee of the whole House, and made the order of the day for Thursday next.

No. 3, H. R. file, A joint resolution relative to an arrangement with the Postmaster of this city;

Was taken up, read, and,

On motion of Mr. Walworth,  
Indefinitely postponed.

Mr. Rogers gave notice that he would, on some future day, introduce a bill concerning marks and brands for horses, cattle, sheep and hogs.

Mr. Hackleman gave notice that on to-morrow, or some future day, he would introduce a bill to legalize the acts of the County Commissioners of Des Moines county in certain cases.

Also,

A bill to amend the act relative to Justices', Constables' and Jurors' fees, passed last session.

On motion of Mr. McMillan,

The resolution relative to the revision of the laws was taken from the table and committed to a committee of the whole House, and made the order of the day for Wednesday next.

On motion of Mr. Rogers,

The House adjourned until 2 o'clock P. M.

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## TWO O'CLOCK, P. M.

Mr. Robertson, from the committee appointed on the part of the



House, to confer with a similar committee on the part of the Council, to prepare Joint Rules to govern the intercourse between the two Houses,

Reported—

That the committees had conferred together, and recommended for adoption the Rules which governed the intercourse between the two Houses at their last session, and ask to be discharged from the further consideration of the subject;

Which,

On motion of Mr. Walworth,

Was adopted.

Mr. Jay moved

That the Chief Clerk be authorized to have fifty copies of the Rules printed;

Which was agreed to.

Mr. Felkner offered the following:

Resolved, That a standing committee on memorials, to consist of one from each electoral district, be appointed;

Which was adopted.

The Chair appointed Messrs. Felkner, Berry, Briggs, Culbertson, Hackleman, Jay, Newell, Robertson, Swearingen and Thornton said committee.

Mr. Rogers moved

To reconsider the vote adopting the Rules for the government of the House;

Which was lost.

Mr. Hackleman presented the petition of Mrs. Bethany Shearman, praying to be divorced from her husband, James Shearman.

Mr. Hepner presented the petition of George C. Collins, praying to be divorced from his wife, Anna Collins;

Which petitions,

On motion of Mr. Hepner,

Were severally referred to a select committee, to consist of one from each electoral district; and

The Chair appointed Messrs. Hepner, Andros, Bunker, Culbertson, Goddard, Lewis, McMillan, Newell, Robertson, Steele, Thornton and Walworth said committee.

On motion of Mr. Walworth,

The House adjourned.



TUESDAY MORNING, DECEMBER 13, 1842.

The House met pursuant to adjournment.

Mr. McCulloch presented the petition of sundry citizens of Lee county, asking the relocation of the county seat of Lee county; which,

On motion of Mr. Brierly,

Was referred to a select committee, consisting of the Lee county Delegation.

On motion of Mr. Robertson,

Resolved, That the committee on Territorial Affairs be instructed to enquire into the expediency and propriety of memorializing Congress upon the subject of running and making at as early a day as practicable the Western boundary line of the late purchase, obtained by treaty with the Sac and Fox Indians.

On motion of Mr. Felkner,

Resolved, That the committee on Memorials be instructed to enquire into the expediency of memorializing Congress to establish another Land District in this Territory, the office of which to be located at Iowa City.

On motion of Mr. Swearingen,

Resolved, That the committee on Military Affairs, be instructed to enquire into the expediency of so amending the militia law, as to define the day by law, that the militia shall train by company, also by regiment, and that the notification now required by law, be dispensed with.

Mr. Hepner from the select committee to whom was referred the petition of Wm. Ross and others, praying that the Legislative Assembly grant Geo. C. Collins a divorce, and the petition of Bethany Shearman, praying a divorce from her husband, James Shearman:

Report, That it is not good policy on the part of the Legislative Assembly to grant divorces, and that the petitioners have leave to withdraw their petitions, and that the committee be discharged from the further consideration of the subject.

Mr. Rogers moved

To lay the report on the table,

On which question the yeas and nays were ordered;

Yeas 10, Nays 15.



Those who voted in the affirmative were,

Messrs. Briggs,	Lewis,	Steele,
Felkner,	Newell,	Thornton,
Hackleman,	Rogers,	
Jay,	Sales,	

Those who voted in the negative were,

Messrs. Andros,	Culbertson,	Robertson,
Berry,	Goddard,	Swearingen,
Blair,	Hepner,	Walworth,
Brierly,	McCulloch,	Wilson.
Bunker,	McMillan,	Speaker.

So the motion to lay on the table was lost.

Mr. Lewis moved to postpone the further consideration of the subject until Friday;

Which was agreed to.

A message from the Council by their Secretary, Mr. Fales:

Mr. Speaker—I am directed to inform the House that the Council have adopted the joint rules reported by the committee, appointed to draft rules, to regulate the intercourse between the two Houses.

Mr. Robertson from the select committee, to whom was referred the petition of A. S. Brownlee and others, have had the same under consideration, and instructed me to report the following bill:

No. 6, H. R. file, A bill granting A. Scott Brownlee and others the right to construct a mill race;

Which was read a first time.

On motion of Mr. Walworth,

No. 5, H. R. file, A joint resolution providing for the appointment of a joint committee, to wait upon the proprietors of the two presses in this city, to receive proposals for doing such printing as may be deemed necessary, &c. was taken up and read a second time.

Mr. Walworth then moved

To suspend the 42d rule, and that the joint resolution be read a third time now;

Which was agreed to; and,

On the question, shall the the resolution pass, the yeas and nays were ordered;

Yeas 13, Nays 12.

Those who voted in the affirmative were,

Messrs. Blair,	Newell,	Thornton,
Bunker,	Robertson,	Walworth,
Jay,	Sales,	Wilson.
Lewis,	Steele,	
McMillan,	Swearingen,	



Those who voted in the negative were,

Messrs. Andros,	Culbertson,	Hepner,
Berry,	Felkner,	McCulloch,
Brierly,	Goddard,	Rogers,
Briggs,	Hackleman,	Speaker.

So the resolution was passed.

Mr. Rogers moved

To strike out the preamble, on which question, the yeas and nays were ordered;

Yeas 12, Nays 13.

Those who voted in the affirmative were,

Messrs. Andros,	Culbertson,	Hepner,
Berry,	Felkner,	McCulloch,
Brierly,	Goddard,	Rogers,
Briggs,	Hackleman,	Speaker.

Those who voted in the negative were,

Messrs. Blair,	Newell,	Thornton,
Bunker,	Robertson,	Walworth,
Jay,	Sales,	Wilson.
Lewis,	Steele,	
McMillan,	Swearingen,	

So the motion was lost.

Mr. Walworth then moved the adoption of the Preamble;

Upon which question the yeas and nays were ordered;

Yeas 13, Nays 12.

Those who voted in the affirmative were,

Messrs. Blair,	Newell,	Thornton,
Bunker,	Robertson,	Walworth,
Jay,	Sales,	Wilson.
Lewis,	Steele,	
McMillan,	Swearingen,	

Those who voted in the negative were,

Messrs. Andros,	Culbertson,	Hepner,
Berry,	Felkner,	McCulloch,
Brierly,	Goddard,	Rogers,
Briggs,	Hackleman,	Speaker.

So the Preamble was adopted.

The Chair appointed Messrs. Walworth, Hepner and Rogers the committee in compliance with the foregoing resolution.

Messrs. Hepner and Rogers asked to be excused from serving upon said committee;

Which was granted; and,



The Chair appointed Messrs. Lewis and McMillan in their stead.

On motion of Mr. Rogers,  
The House adjourned until to morrow morning at 10 o'clock.

WEDNESDAY MORNING, DECEMBER 14, 1842.

The House met pursuant to adjournment.

Mr. Felkner presented the petition of sundry citizens of Johnson county, asking the relocation of the Territorial road leading from Wyoming to Iowa City; which,

On motion of Mr. Felkner,  
Was referred to the same select committee to whom was referred the same subject on a previous day.

On motion of Mr. McMillan,  
Resolved, That the Chief Clerk be authorized to procure such incidental printing as may be necessary for this House, until otherwise ordered.

On motion of Mr. Culbertson,  
Resolved, That the committee on roads and highways be instructed to inquire into the expediency of passing a law to give the several County Commissioners in each county in this Territory the same power and control over Territorial roads running through their respective counties which they now have over county roads, and that they report to this House by bill or otherwise.

Mr. Berry gave notice that he would, on to-morrow or some subsequent day, introduce a bill to legalize the acts of the Board of County Commissioners of Jackson county in certain cases, and to make valid the acts of certain road commissioners, &c.

Mr. Lewis gave notice that he would, on to-morrow or some subsequent day, ask leave to introduce a bill to legalize the acts of Cyrus Gibson, a justice of the peace of Van Buren county.

Mr. Rogers presented the account of Wilson & Keesecker for printing the Journals of the House of Representatives of the last session; which,

On motion of Mr. Rogers,  
Was referred to the committee on claims.

Mr. Hackleman, upon previous notice and leave being granted, introduced



No. 7, H. R. file, A bill to legalize the acts of the County Commissioners of Des Moines county in certain cases;

Which was read the first time.

The resolution relative to the incidental printing of the House was taken from the table, read a second time, and,

On motion of Mr. Rogers,

Laid upon the table.

No. 1, H. R. file, A joint resolution providing for a revision of the statutes, being the order of the day,

The House resolved itself into committee of the whole, Mr. Robertson in the chair, and, after some time spent therein, the committee rose, and, by their chairman, reported the same back to the House with one amendment, which was concurred in.

Mr. Walworth then moved

Further to amend by striking out all after the enacting clause and inserting the following:

That a committee of three be appointed on the part of the House, to confer with a similar committee to be appointed on the part of the Council, to take into consideration the expediency of revising the laws of this Territory, and report to this House; and

The resolution as amended was adopted, and

The Chair appointed Messrs. Walworth, McMillan and Rogers said committee.

No. 4, H. R. file, A joint resolution relative to Iowa Manufactures, was read a second time, and,

On motion of Mr. Walworth,

The House resolved itself into committee of the whole, Mr. McMillan in the Chair; and,

After some time spent therein, the committee rose, and, by their chairman, reported the same back to the House with one amendment, which was concurred in.

Mr. Walworth moved

The suspension of the 42d Rule, and that the resolution be read a third time now;

Which was disagreed to.

Mr. Sales offered the following as a substitute:

That it is the duty of this Legislature to encourage and foster domestic manufactures;

Which was lost.

Mr. Felkner moved

The indefinite postponement of the subject, on which motion the yeas and nays were ordered;

Yeas 7, Nays 19.

Those who voted in the affirmative were,

Messrs. Blair,

Felkner,

Hackleman,

Hepner,

Rogers,

Sales,

Speaker.



Those who voted in the negative were,

Messrs. Andros,

Barton,

Berry,

Brierly,

Briggs,

Bunker,

Culbertson,

Goddard,

Jay,

Lewis,

McCulloch,

McMillan,

Newell,

Robertson,

Steele,

Swearingen,

Thornton,

Walworth,

Wilson.

So the motion was lost.

Mr. Wilson then moved

That the preamble and resolution be engrossed and read a third time to-morrow;

Which was agreed to.

The following message was received from the Council, by their Secretary, Mr. Fales:

Mr. Speaker—The Council have passed

No. 1, C. file, An act to relocate a part of the Territorial road leading from West Point in Lee county to Salem in Henry county;

In which the concurrence of the House is requested.

No. 6, H. R. file, A bill granting to A. Scott Brownlee and others the right to construct a mill race;

Was read a second time, when

Mr. Robertson moved

That the bill be laid upon the table, and that forty copies be printed.

Mr. Hepner moved

A division of the question, which was had; and the question, Shall the bill lie on the table? was put and agreed to.

The question then recurred upon the printing of forty copies of said bill, which was lost.

Mr. Rogers moved

To adjourn until 10 o'clock to-morrow morning; which was lost.

Mr. Felkner then moved

To adjourn; which was agreed.

## TWO O'CLOCK, P. M.

No. 1, C. file, An act to relocate a part of the Territorial road leading from West Point in Lee county to Salem in Henry county;

Was read a first time, when,

On motion of Mr. Wilson,

The 42d Rule was suspended, the bill read a second and third time and passed, and title agreed to.



On motion of Mr. Robertson,  
No. 6, H. R. file, A bill granting to A. Scott Brownlee and others  
the right to construct a mill race;

Was taken from the table, which was,

On motion of Mr. Robertson,  
Committed to the committee of the whole, and made the order of  
the day for Friday next.

On motion of Mr. McMillan,  
The report of the Superintendent of Public Buildings was taken from  
the table and referred to the committee on public buildings; and,

On motion of Mr. Felkner,  
Ordered, That forty copies of the same be printed.

On motion of Mr. McMillan,  
The report of the Territorial Agent was taken from the table and  
referred to the committee on public buildings.

Mr. Hepner moved

To have fifty copies of the report printed.

Mr. McMillan moved

To amend by striking out "fifty" and inserting "three hundred;"

Which was lost.

The question then recurring upon the original motion,

It was agreed to.

Mr. Sales presented the petition of sundry journeymen printers of  
Iowa City, remonstrating against any reduction in the price of printing.

Mr. Rogers moved

To refer said petition to the committee on claims;

Which was lost.

Mr. Lewis moved

To lay the petition on the table;

Which was agreed to; when,

On motion of Mr. McMillan,

The House adjourned.

#### THURSDAY MORNING, DECEMBER 15, 1842.

The House met pursuant to adjournment.

Mr. Rogers presented the petition of sundry citizens of Johnson  
county, asking that the Scrip issued by the Territorial Agents, during  
the years of 1841, '42, be made receivable in payment for all debts  
now due, &c., to said Territory;



Which was,

On motion of Mr. Rogers,

Referred to the committee on Public Buildings.

Mr. Walworth from the committee on engrossed bills, reported that they had examined

No. 4, H. R. file, A joint resolution, relative to Iowa Manufactures; and found the same correctly engrossed.

Mr. Rogers gave notice, that he would on some future day introduce a bill to amend an act, entitled an "Act subjecting real and personal estate to execution," so as to increase the exemption of sheep and household furniture from sale under execution.

Mr. Hepner gave notice that he would on to morrow or some future day, ask leave to introduce a bill to amend an act entitled an act, relating to the office of Recorder of Deeds, &c.

Mr. Hepner moved a call of the House;

Which was had, and the absent members sent for, who appearing in their seats,

On motion of Mr. Lewis,

The further call of the House was dispensed with.

Mr. Andros, from the committee on claims, to whom was referred the following account of Messrs. Wilson & Keesecker, for printing the Journals of the House of Representatives for the session of 1841, '42, have had the same under consideration and begs leave to report.

The following is the account:

"TERRITORY OF IOWA, Dr.

To WILSON & KEESECKER.

For printing the Journals of the House of Representatives for the session of 1841, '42, containing 310 pages, each page containing 1484 ems, at \$2 50 per 1000 ems, including in the above, press work, binding, stitching, paper, &c.,

\$1150 00"

On an examination of the above account, having analyzed the same, have come to the unanimous conclusion to reduce the above account, as follows:

For composition, at \$1 50 per thousand ems,	\$690 00
For press work, at \$1 50 per token,	93 00
For paper, at \$5 00 per ream,	50 00
For stitching and binding,	40 00
	<hr/>
	\$873 00

And the above conclusion has been arrived at, not so much from a sense of justice of what is due the claimants, as from what they believe



to be, the temper of this House, and the general disposition for reform and retrenchment in Legislative expenditures. The committee partaking of this spirit of economy and reform, and believing in its necessity have recommended the aforesaid reduction.

No rates for the printing of Journals of the House of Representatives having been fixed by Legislative enactments, Messrs. Wilson & Keesecker had reasonable grounds for expecting that something near the former prices would be paid.

The amount above recommended is between three and four hundred dollars less, than has usually been paid by this Territory for the execution of the same quantity of similar work; and the committee are of the opinion that the prices fixed upon is reasonable and is as low as the work can be done with a just regard to a fair compensation for services rendered and materials furnished.

The committee whilst investigating this matter have endeavored to keep on safe grounds and have therefore intended to shun both Scylla and Charybdis, believing that parsimony would be equally reprehensible with a lavish expenditure of the public funds.

Therefore,

Resolved, That Messrs. Wilson & Keesecker be allowed the sum of \$873, for printing the Journals of the House of Representatives, for the session of 1841, '42.

Which,

On motion of Mr. Walworth,

Was laid upon the table subject to the order of the House.

No. 2 H. R. file, A bill to repeal an act entitled an act relative to officers of the Legislative Assembly, being the order of the day, the House resolved itself into committee of the whole, Mr. Brierly in the chair; and,

After some spent therein, the committee rose and by their chairman reported the same back to the House with one amendment;

When,

On motion of Mr. Walworth,

The same was laid upon the table subject to the order of the House.

No. 7, H. R. file, A bill to legalize the act of the County Commissioners of Des Moines county, in certain cases;

Was read a second time; and,

On motion of Mr. Robertson,

Ordered to be engrossed and read a third time to morrow.

No. 4, H. R. file, A joint resolution relative to Iowa Manufactures;

Was read a third time and passed.

Mr. Hackleman then moved to amend the preamble by inserting the following as a substitute:



"Whereas, owing to the high duties on imports, the effect of which is to increase the price of the domestic as well as the imported article in proportion to the increase of the duty—

And whereas, the consumer of the articles protected pays the increase of the price, thereby increasing the wealth of the eastern capitalists at the expense of the western farmer; and, whereas, Iowa is less provided for in the way of factories, and consequently more oppressed, it is therefore, the interest of the citizens to live as much within their own means as possible, and to purchase as little wearing apparel other than that manufactured in our own Territory as the citizens thereof can avoid.

Therefore, be it resolved, &c.

On which amendment the yeas and nays were ordered;

Yeas 13, Nays 13.

Those who voted in the affirmative were,

Messrs. Andros,

Berry,

Brierly,

Briggs,

Culbertson,

Felkner,

Goddard,

Hackleman,

Hepner,

McCulloch,

Rogers,

Swearingen,

Speaker.

Those who voted in the negative were,

Messrs. Barton,

Blair,

Bunker,

Jay,

Lewis,

McMillan,

Newell,

Robertson,

Sales,

Steele,

Thornton,

Walworth,

Wilson.

So the amendment was not adopted.

The question on the adoption of the original preamble was then taken by yeas and nays;

Yeas 19, Nays 7.

Those who voted in the affirmative were,

Messrs. Barton,

Berry,

Brierly,

Briggs,

Bunker,

Culbertson,

Goddard,

Jay,

Lewis,

McMillan,

Newell,

Robertson,

Rogers,

Sales,

Steele,

Swearingen,

Thornton,

Walworth,

Wilson.

Those who voted in the negative were,

Messrs. Andros,

Blair,

Felkner,

Hackleman,

Hepner,

McCulloch,

Speaker.

So the preamble was passed;



The following message was received from the Council by Mr. Fales their Secretary:

The Council have indefinitely postponed

No. 5, H. R. file, A joint resolution providing for the appointment of a joint committee to wait on the proprietors of the two political presses of this city, to receive proposals for doing such printing as may be deemed necessary.

On motion of Mr. Walworth,

The resolution providing that the "incidental printing of this House be done by the publishers of the Iowa Capitol Reporter," was taken from the table.

Mr. Walworth then moved

That the words "Iowa Capitol Reporter" be stricken out, and "Iowa Standard" inserted, and also to add the following words: "until otherwise ordered by the House;"

Which amendments were agreed to, and the resolution as amended was adopted.

Mr. Berry, on previous notice and leave granted, introduced

No. 8, H. R. file, A bill to legalize the acts of the Board of County Commissioners of Jackson county, in certain cases, and to make valid the acts of certain road commissioners;

Which was read a first time.

On motion of Mr. Lewis,

The House adjourned until to-morrow morning at 10 o'clock.

#### FRIDAY MORNING, DECEMBER 16, 1842.

The House met pursuant to adjournment.

Message from the Council, by Mr. Fales, their Secretary:

Mr. Speaker—The Council have passed

No. 4, C. file, A memorial to the President of the United States, asking a postponement of the Land Sales in this Territory;

Also,

No. 3, C. file, A memorial to Congress, asking for a survey of the Indian boundary line;

In all of which the concurrence of the House is requested.

Mr. Felkner presented the petition of Henry Hart, asking a divorce from his wife, Ann Hart.



Mr. Felkner moved

To refer the petition to a select committee; which was lost.

Mr. Hepner moved

To lay the petition on the table; agreed to.

Mr. Bunker presented the petition of Ben Piper, asking a divorce from his wife, Lucretia Piper.

Mr. Jay moved

To lay the petition on the table; agreed to.

Mr. Walworth offered the following:

No. 9, H. R. file, A joint resolution for the appointment of a joint committee to establish the prices to be paid for public printing;

Which was read a first time.

Mr. Walworth moved

A suspension of the 42d rule, and that the resolution be read a second and third time now;

Which was disagreed to.

Mr. Walworth, from the committee on engrossed bills, reported No. 7, H. R. file, A bill to legalize the acts of the County Commissioners of Des Moines county in certain cases, as correctly engrossed.

Mr. Hepner gave notice that he would, on to-morrow or some subsequent day, ask leave to introduce a bill to amend an act entitled an act to provide for the appointment of justices of the peace, to prescribe their duties and powers, and to regulate their proceedings.

Mr. McCulloch, from the select committee to whom was referred the petition of sundry citizens of Lee county, asking a relocation of the county seat of said county, report

No. 10, H. R. file, A bill to relocate the county seat of Lee county;

Which was read a first time.

No. 8, H. R. file, A bill to legalize the acts of the Board of County Commissioners of Jackson county, in certain cases, and to make valid the acts of certain road commissioners;

Being the order of the day, was read a second time, and,

On motion of Mr. Berry,

Ordered to be engrossed and read a third time to-morrow.

No. 7, H. R. file, A bill to legalize the acts of the County Commissioners of Des Moines county in certain cases,

Being the order of the day, was read a second time, and,

On motion of Mr. Sales,

Referred to the delegation from Des Moines county.

No. 6, H. R. file, A bill granting to A. Scott Brownlee and others the right to construct a mill race,



Being the order of the day, the House resolved itself into committee of the whole, Mr. Hepner in the chair; and,

After some time spent therein, the committee rose, and, by their chairman, reported the same back to the House without amendment, which was concurred in.

Mr. Walworth moved

Its reference to a select committee; agreed to.

The Chair appointed Messrs. Walworth, Goddard and Robertson said committee.

Message from the Council, by their Secretary, Mr. Fales:

Mr. Speaker—The Council have passed

No. 2, C. file, An act to regulate the mode of petitioning the Legislative Assembly in certain cases;

Also,

No. 1, H. R. file, A joint resolution relative to a revision of the laws; and have appointed Messrs. Teas, Christie and Wallace the committee on the part of the Council.

I herewith present for your signature

An act to relocate a part of the Territorial road leading from West Point in Lee county to Salem in Henry county.

No. 3, C. file, A memorial to Congress, asking for a survey of the Indian boundary line;

Was read a first time.

No. 4, C. file, A memorial to the President of the United States, asking a postponement of the Land Sales in this Territory;

Was read a first time, and,

On motion of Mr. Felkner,

The 42d rule was suspended, and the memorial read a second and third time and passed.

No. 2, C. file, An act to regulate the mode of petitioning the Legislative Assembly in certain cases;

Was read a first time.

Mr. Hepner, on previous notice and leave granted, introduced No. 11, H. R. file, A bill to amend an act entitled an act relating to the office of Recorder of Deeds;

Which was read a first time.

Mr. Hepner moved

To take up the report of the select committee relative to the propriety of granting divorces;

Which was agreed to; and,

On the question, Will the House concur in the report of said committee? the yeas and nays were ordered;

Yeas 18, Nays 8.



Those who voted in the affirmative were,

Messrs. Andros,	Culbertson,	Robertson,
Berry,	Goddard,	Sales,
Blair,	Hepner,	Swearingen,
Brierly,	Jay,	Walworth,
Briggs,	McCulloch,	Wilson,
Bunker,	McMillan,	Speaker.

Those who voted in the negative were,

Messrs. Barton,	Lewis,	Steele,
Felkner,	Newell,	Thornton.
Hackleman,	Rogers,	

So the report was concurred in.

Mr. Hepner moved

To take up the report of the committee on claims, on the account of Wilson & Keesecker;

Which was agreed to; and,

On motion of Mr. Walworth,

The resolution attached to said report was amended by inserting after the word "resolved" the words "by the Council and House of Representatives of the Territory of Iowa;"

And the report and resolution as amended, was,

On motion of Mr. Rogers,

Referred to the committee of the whole House, and made the order of the day for Wednesday next.

On motion of Mr. Rogers,

The House adjourned until 10 o'clock to-morrow morning.

#### SATURDAY MORNING, DECEMBER 17, 1842.

The House met pursuant to adjournment.

Mr. Steele presented the petition of sundry citizens of Lee county, asking the passage of a valuation or stay law;

Which,

On motion of Mr. Newell,

Was referred to the committee on the Judiciary.

Mr. Barton, from the committee on engrossed bills, reported No. 8, H. R. file, A bill to legalize the acts of the Board of County Commissioners of Jackson county in certain cases, and to make valid the acts of certain road commissioners;

As correctly engrossed.



Message from the Council, by Mr. Fales, their Secretary:

Mr. Speaker—The Council have passed  
No. 4, H. R. file, A joint resolution relative to Iowa Manufactures.

Mr. Felkner offered the following:

Resolved, That the Territorial Agent furnish this House with his reasons for partially repudiating the Scrip issued on account of the Capitol in the year 1841, '42; also to inform the House as far as he may be able to arrive at the facts, what amount of Scrip is now outstanding, and by whom it was held;

Which was adopted.

Mr. Goddard gave notice that he would, on Monday next or some future day, ask leave to introduce a bill to prevent the burning of woods and prairies.

Mr. Hepner offered the following:

Resolved, That the ladies be permitted and requested to take seats within the bar of this House at pleasure, and that the Sergeant at arms be instructed to furnish seats for their accommodation.

Which was adopted.

Mr. Newell offered the following:

Resolved, That the citizens of Iowa City have the privilege of meeting in this Hall on Monday evening next, for the purpose of holding a temperance meeting.

Upon which question the yeas and nays were ordered;

Yeas 13, Nays 12.

Those who voted in the affirmative were,

Messrs. Berry,	Jay,	Sales,
Blair,	Lewis,	Walworth,
Brierly,	McMillan,	Wilson
Felkner,	Newell,	Speaker.
Goddard,		

Those who voted in the negative were,

Messrs. Andros,	Hackleman,	Rogers,
Barton,	Hepner,	Steele,
Briggs,	McCulloch,	Swearingen,
Culbertson,	Robertson,	Thornton.

So the resolution was adopted.

Mr. Walworth, from the committee appointed on the part of the House, to confer with a similar committee on the part of the Council, to take into consideration the expediency of revising the laws of this Territory, have performed that duty and have instructed me to report the following resolution:

Resolved, That we deem it expedient to revise the laws of this Territory the present session, and that a committee of eight be appointed



on the part of the House as a standing committee of revision, to act with a similar committee to be appointed on the part of the Council.

Mr. Rogers offered the following substitute:

That three competent individuals be appointed by the Governor, by and with the advice and consent of the Council for that purpose, and report the result of their labors to the next session of the Legislature;

Upon which substitute the yeas and nays were ordered;

Yeas 7, Nays 19.

Those who voted in the affirmative were,

Messrs. Andros,	Hackleman,	McCulloch,
Brierly,	Hepner,	Rogers.
Briggs,		

Those who voted in the negative were,

Messrs. Barton,	Jay,	Steele,
Berry,	Lewis,	Swearingen,
Blair,	McMillan,	Thornton,
Bunker,	Newell,	Walworth,
Culbertson,	Robertson,	Wilson,
Felkner,	Sales,	Speaker.
Goddard,		

So the substitute was lost.

Mr. Walworth moved

To amend by inserting "and compile," after the word "revise," in the second line;

Which was agreed to.

The question then recurring upon the adoption of the resolution, as amended; and,

The yeas and nays were ordered;

Yeas 18, Nays 8.

Those who voted in the affirmative were,

Messrs. Barton,	Jay,	Steele,
Blair,	Lewis,	Swearingen,
Brierly,	McCulloch,	Thornton,
Bunker,	McMillan,	Walworth,
Culbertson,	Newell,	Wilson,
Goddard,	Robertson,	Speaker.

Those who voted in the negative were,

Messrs. Andros,	Felkner,	Rogers,
Berry,	Hackleman,	Sales.
Briggs,	Hepner,	

So the resolution as amended was adopted.

Mr. Walworth, from the select committee, to whom was referred No. 6, H. R. file, A bill granting to A. Scott Brownlee and others, the right to construct a mill race;



Report the same back back to the House, with the following additional section:

SEC. 3. This act to take effect from and after its passage and continue in force until the public lands shall have been sold by the General Government.

Mr. Rogers moved to amend the amendment by adding the following:

"Provided that the Legislature shall at all times, have the power to alter and amend or repeal this act."

Which was agreed to.

The question then recurring upon the amendment as amended, was put and agreed to.

Mr. Robertson then moved

That the bill be engrossed and read a third time on Monday next;

Which was agreed to.

Mr. Lewis, from the committee to whom was referred the petition of sundry citizens of Van Buren county, asking the relocation of a certain road, reported:

No. 13, H. R. file, A bill to authorise the Board of Commissioners of Van Buren county, to establish a certain road;

Which was read the first time.

Mr. Felkner, from the standing committee on memorials, reported No. 14, H. R. file, Memorial to Congress for an additional land district;

Which was read a first time.

Mr. Sales, from the committee to whom was referred

No. 7, H. R. file, A bill to legalize the acts of the County Commissioners of Des Moines county in certain cases;

Reported the same back with the following amendments:

Strike out the word "all" in the third line of the first section, and strike out the word "concerning" in the fifth line and insert "in correcting."

Which was concurred in.

Mr. Hepner moved

That the bill be engrossed and read a third time on Monday next;

Which was agreed to; and,

On motion of Mr. Barton,

The House adjourned.

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## TWO O'CLOCK, P. M.

No. 9, H. R. file, A joint resolution for the appointment of a joint committee to establish the prices to be paid for public printing;



Was read a second time.

Mr. Hepner moved

To strike out the following words "and that said committee have power to send for persons and papers;"

Which was agreed to.

The question then recurred upon the adoption of the resolution as amended;

Which was put and agreed to.

Mr. Berry asked and obtained leave of absence for Mr Walworth, until Tuesday next.

No. 10, H. R. file, A bill to relocate the county seat of Lee county;

Was read a second time; and,

On motion of Mr. Lewis,

Ordered to lie on the table.

On motion of Mr. Barton,

Mr. Felkner was added to the committee on engrossed bills.

No. 11, H. R. file, A bill to amend an act entitled an act relating to the office of Recorder of Deeds;

Was read a second time; and,

On motion of Mr. Hackleman,

Ordered to be engrossed and read a third time on Tuesday next.

No. 2, C. file, An act to regulate the mode of petitioning the Legislative Assembly in certain cases;

Was read a second time.

Mr. Rogers moved

To strike out the enacting clause;

Which was agreed to.

No. 3, C. file, A memorial to Congress, asking for a survey of the Indian boundary line;

Was read a second time; and,

On motion of Mr. Robertson,

Ordered to be read a third time on Tuesday next.

No. 8, H. R. file, A bill to legalize the acts of the Board of County Commissioners of Jackson county in certain cases, and to make valid the acts of certain road commissioners;

Was read a third time; when,

Mr. Felkner moved its reference to a select committee.

The Chair appointed Messrs. Felkner, Briggs and Berry said committee.

Mr. Hepner introduced

No. 15, H. R. file, A bill to amend an act entitled an act to provide for the appointment of Justices of the Peace, to proscribe their powers and duties and regulate their proceedings;

Which was read a first time; and,



Ordered, That forty copies of the same be printed.

Mr. Rogers introduced

No. 16, H. R. file, A bill to amend an act entitled an act subjecting real and personal estate to execution, so as to increase the exemption of sheep and household furniture from sale under execution;

Which was read a first time.

Mr. Rogers moved

To suspend the 42d rule, and that the bill be read a second time now;

Which was not agreed to.

Mr. Hackleman, on previous notice and leave granted, introduced No. 17, H. R. file, A bill supplementary to an act, entitled an act, to amend an act concerning costs and fees;

Which was read a first time; and,

On motion of Mr. Rogers,

Forty copies were ordered to be printed; when,

On motion of Mr. Hepner,

The House adjourned.

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MONDAY MORNING, DECEMBER 19, 1842.

The House met pursuant to adjournment.

Mr. Lewis gave notice that he would, on Tuesday or some future day, ask leave to introduce an act to legalize the acts of the administrators of Lemuel G. Jackson;

Also,

An act to amend a law entitled an act to authorize Henry Eno to erect a dam across the Des Moines river.

Mr. Barton, from the committee on engrossed bills, reported

No. 11, H. R. file, A bill to amend an act entitled an act relating to the office of Recorder of Deeds;

Also,

No. 7, H. R. file, A bill to legalize the acts of the County Commissioners of Des Moines county in certain cases;

Also,

No. 6, H. R. file, A bill granting to A. Scott Brownlee and others the right to construct a mill race;

As being correctly engrossed.

No. 13, H. R. file, A bill to authorize the Board of County Commissioners of Van Buren county to establish a certain road;



Was read a second time, and,

On motion of Mr. Lewis,

Ordered to be engrossed and read a third time to-morrow.

No. 14, H. R. file, A memorial to Congress for an additional Land District;

Was read a second time.

Mr. Berry moved

To refer the bill to a select committee;

Which was lost.

Mr. Felkner moved

That it be engrossed and read a third time to-morrow.

Mr. Hepner moved

To amend by referring it to the committee on memorials;

Which was lost.

Mr. Lewis moved

Further to amend by referring it to a select committee of one from each electoral district;

Which was agreed to.

The Chair appointed Messrs. Lewis, Andros, Berry, Culbertson, Felkner, Hepner, Jay, McCulloch, Newell and Robertson, said committee.

No. 16, H. R. file, A bill to amend an act entitled an act subjecting real and personal estate to execution, so as to increase the exemption of sheep and household furniture from sale under execution;

Was read a second time, and

On motion of Mr. Rogers,

Committed to a committee of the whole House, and made the special order of the day for Thursday next.

No. 6, H. R. file, A bill granting A. Scott Brownlee and others the right to construct a mill race;

Was read a third time, passed, and title agreed to.

No. 7, H. R. file, A bill to legalize the acts of the County Commissioners of Des Moines county in certain cases;

Was read a third time, passed, and title agreed to.

Mr. Newell, on previous notice and leave being granted, introduced

No. 18, H. R. file, A bill to amend an act entitled an act subjecting real and personal estate to execution;

Was read a first time, and,

On motion of Mr. McCulloch,

Ordered, That forty copies of the same be printed.

On motion of Mr. McCulloch,

The House adjourned.



## TWO O'CLOCK, P. M.

A message from the Council by their Secretary, Mr. Fales:

Mr. Speaker—The Council has

Resolved, That it is expedient to revise and compile the laws of the Territory during the present session, and have appointed as a committee of revision, on the part of the Council, Messrs. Wallace, Teas, Wm. Patterson and Christie.

The Council have passed

No. 5, C. file, An act to prohibit and punish the sale of intoxicating liquors to Indians.

No. 6, C. file, An act to repeal an act entitled an act relating to auctioneers and auction sales, approved January 17th, 1840.

In all of which the concurrence of the House is requested.

The Council have concurred in

No. 9, H. R. file, A joint resolution authorizing the appointment of a committee to fix the prices of printing;

And have appointed Messrs. Leffler, Springer and Wallace the committee on the part of the Council.

I herewith present for your signature

No. 4, C. file, A memorial to the President of the United States, asking a postponement of the Land Sales in this Territory;

The Chair appointed Messrs. McMillan, Andros, Felkner, Hackleman, Lewis, Newell, Robertson and Walworth the committee of revision on the part of the House. And

Messrs. Walworth, Sales and Hepner the committee to fix the prices of printing, on the part of the House.

No. 5, C. file, An act to prohibit and punish the sale of intoxicating liquors to Indians;

Was read a first time.

No. 6, C. file, An act to repeal an act entitled an act relating to auctioneers and auction sales, approved January 17, 1840;

Was read a first time.

On motion of Mr. Berry,

The vote taken upon

No. 2, C. file, An act to regulate the mode of petitioning the Legislative Assembly in certain cases;

Was reconsidered, and,

On motion of Mr. Berry,

Ordered, That the same do lie upon the table.

On motion of Mr. McMillan,

The House adjourned.



TUESDAY MORNING, DECEMBER 20, 1842.

The House met pursuant to adjournment.

Mr. Berry presented the petition of Philip Roelure, asking a change of his name;

Which,

On motion of Mr. Rogers,

Was referred to the delegation from Cedar, Linn and Jones.

Mr. Barton, from the committee on engrossed bills, reported that they have examined

No. 13, H. R. file, A bill to authorize the Board of County Commissioners of Van Buren county to establish a certain road;

And find the same to be correctly engrossed.

Mr. McCulloch, on previous notice and leave granted, introduced No. 19, H. R. file, A bill to relocate a part of a Territorial road in Henry county;

Which was read a first time.

The Chair submitted the following communication from the Territorial Agent:

OFFICE OF TERRITORIAL AGENT,  
Iowa City, December —, 1842. }

Hon. James M. Morgan:

Sir—In obedience to a resolution of the House of Representatives, requesting the Territorial Agent to furnish his reasons for partially repudiating the Scrip issued on account of the Capitol, in the years 1841-'42; also to inform the House, as far as practicable, of the amount of Scrip now outstanding, and by whom it is held: I herewith submit the following reply:

The act entitled an act for the reduction of the minimum price of the unsold and forfeited lots in Iowa City, and their sale for work and materials on the Capitol, approved February 17, 1842, pointed clearly to the completion of the Capitol. No other construction could be given to it; and the lots, in accordance with the express provisions of law, were sold for work and materials on the Capitol. These sales could not be made available without means to furnish supplies for the laborers; hence the source from whence those supplies were to be obtained, formed the basis upon which the prosecution of the work must rest. As early as the month of May, the number of hands had increased to one hundred and six, and all looking to this office for support. I therefore was compelled to rely on debts due this office, contracted in 1839, to raise the necessary provisions to feed the hands.



To have received the Scrip of 1841 in payment of debts due this office, contracted in 1839, would have defeated the possibility, on my part, of obtaining the provisions to feed the hands while engaged at work on the Capitol. To have received the Scrip would only have absorbed the claims against this office, without placing in my hands any thing for active use; nor would the mechanics, whose labor was necessary for the prosecution of the Capitol, have purchased lots for work thereon, without an implied obligation on my part to furnish them with such articles as would support themselves and families whilst thus engaged. A dereliction of this duty would have been as fatal to the objects contemplated by the law as to send an army of men into the wilderness without provisions to feed them. The office came into my hands in a condition truly embarrassing. An appropriation made by Congress of \$20,000; sales made by Chauncey Swan amounting to \$35,051, and by Jesse Williams \$9,031, together with a loan negotiated by the latter at the Miners' Bank of Dubuque for \$5,500—making \$69,582—had all passed into the hands of those two officers. Out of this amount there was returned to me (as will be seen by reference to my annual report) \$13,013 87, being a remnant of notes of 1839-'40-'41. This small and unavailable amount was incumbered with more than eleven thousand dollars outstanding debts created in 1841. Included in this amount was the outstanding Scrip of 1841, referred to in the resolution of the House (in amount about \$4,000.) This Scrip was offered in payment of all debts due this office. The necessity for making some discrimination became indispensable to secure the necessary means in time to prosecute the work on the Capitol. In making this discrimination, I based the redemption of the Scrip of 1841 upon debts due the office from sales of that year, aided by a portion of the sales of 1840, reserving the debts of 1839 for collection and active use, in accordance with the provisions of the 5th section of the act of the 17th February, 1842, referred to above. The grievances set forth in the petition which gave rise to the resolution of the House, will be found in the excessive issue of Scrip of 1841, and the credit secured for it with merchants under the promise of Territorial bonds. In view of this arrangement, the firm of Murray & Sanxay alone, as early as December last, had taken in three thousand dollars of that issue. Failing, as they did, at the last session, to obtain Territorial bonds, they sought to throw it out as a currency—which failed. Whether the discrimination made by me in the application of particular debts to certain specific objects, can, by any fair construction, extend to repudiation, is questionable. So far from repudiating this Scrip, I have redeemed more than one half which was outstanding on the 6th day of March last. All the small amounts which were in circulation as a currency, except \$150 to \$200, have been taken in, and the firm of Murray & Sanxay are the holders of the residue. The amount now outstanding cannot exceed \$1,800.

In reply to that portion of the resolution which related to the Scrip



of 1842, I refer the House to my annual report for the basis of the issue; it is only applicable to the sales of 1842. To this source and no other could the holders look for payment. These issues have been made with strict regard to the means for their redemption. Since the date of my report I have taken in \$500, leaving only \$900 outstanding, which will all be taken in before the commencement of operations on the Capitol in 1843. I herewith append a specimen of the issue of 1842:

Real Estate Security, Iowa City Lots, \$52,700.	<div data-bbox="714 804 828 2785" style="text-align: center;"> <b>\$1.00</b>  <b>No.</b> </div> <div data-bbox="828 804 1015 2785" style="text-align: center;"> OFFICE OF TERRITORIAL AGENT,  Iowa City,  1842. </div> <div data-bbox="1015 804 1346 2785" style="text-align: center;"> <b>I Certify that there is due the bearer ONE DOLLAR, which</b>  <b>will be received at this office in payment for Iowa City Lots sold</b>  <b>after the first day of May, 1842.</b> </div> <div data-bbox="1346 804 1554 2785" style="text-align: right;"> Territorial Agent. </div>
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Real Estate Security, \$52,700.

No.

OFFICE OF TERRITORIAL AGENT,

Iowa City,

1842.

**I Certify that there is due the bearer ONE DOLLAR, which**  
**will be received at this office in payment for Iowa City Lots sold**  
**after the first day of May, 1842.**

Territorial Agent.

Real Estate Security, \$52,700.



[The latter part of the foregoing report has been lost by the Clerk in filing this day's proceedings, and consequently it is omitted.]

On motion of Mr. Newell,

Said report was referred to the committee on Public Buildings.

No. 15, H. R. file, A bill to amend an act, entitled an act, to provide for the appointment of Justices of the Peace, and to prescribe their powers and duties and regulate their proceedings;

Was read a second time.

Mr. Wilson moved

Its reference to the committee on Revision.

Mr. Goddard moved

To amend by referring it to the committee of the whole;

Which was agreed to.

So the House resolved itself into committee of the whole, Mr. Lewis in the chair; and,

After some time spent therein, the committee rose, and, by their chairman, reported the same back to the House without amendment, which was concurred in; when,

On motion of Mr. Walworth,

Said bill was referred to the committee on the Judiciary.

The following message was received from the Council by Mr. Fales their Secretary:

Mr. Speaker—The Council have passed

No. 10, C. file, A joint resolution providing for the adjournment of the two Houses on Thursday the 22d inst. until Monday the 2d day of January, 1843.

In which the concurrence of the House is requested.

No. 5, C. file, An act to prohibit and punish the sale of intoxicating liquors to Indians;

Was read a second time; and,

On motion of Mr. Lewis,

Was committed to the committee of the whole, and made the special order of the day for Thursday next.

No. 6, C. file, A bill to repeal an act, entitled an act, relating to auctioneers and auction sales, approved January 17th, 1840;

Was read a second time.

On motion of Mr. Hepner,

Referred to the Committee on the Judiciary.

No. 3, C. file, A memorial to Congress, asking for a survey of the Indian boundary line;

Was read a third time and passed and title agreed to.

No. 11, H. R. file, A bill to amend an act, entitled an act, relating to the office of Recorder of Deeds;

Was read a third time, passed and title agreed to.



No. 10, C. file, A joint resolution proving for an adjournment of the two Houses until the 2d day of January, 1843;

Was read a first time.

On motion of Mr. Brierly,

No. 10, H. R. file, A bill to relocate the county seat of Lee county;

Was taken up and read a second time; when,

On motion of Mr. Brierly,

The name of Francis Frazier was stricken out of said bill.

Mr. Jay moved

To substitute George Miller.

Mr. Steele moved

To amend by inserting Hamilton Robb; when,

On motion of Mr. Newell,

The House adjourned.

## TWO O'CLOCK, P. M.

Mr. McCulloch moved a call of the House, which was had, and the absent members appearing in their seats;

On motion of Mr. McCulloch,

The further call was dispensed with, when the consideration of

No. 10, H. R. file, A bill to relocate the county seat of Lee county; was resumed.

The question pending at the adjournment, was to fill the blank occasioned by striking out the name of Francis Frazier, by inserting the name of Hamilton Robb.

Mr. Brierly moved

To amend by inserting the name of T. O. Wamsley.

Mr. Steele moved

To recommit the bill to the delegation from Lee county,

Which was agreed to.

No. 13, H. R. file, A bill to authorise the Board of Commissioners of Van Buren county, to establish a certain road;

Was read a third time, passed, and title agreed to.

Mr. McMillan moved to adjourn,

Which was lost.

Mr. Rogers moved

No. 10, C. file, A joint resolution providing for the adjournment of the two Houses, until the 2d day of January, 1843;

Which was lost.

On motion of Mr. Newell,

The House adjourned.



WEDNESDAY MORNING, DECEMBER 21, 1842.

The House met pursuant to adjournment.

Mr. Berry, from the select committee to whom was referred the petition of Philip Roelure, asking a change of his name; reported  
No. 20, H. R. file, A bill to change the name of Philip Roelure;  
Which was read a first time.

Mr. Berry moved

To suspend the 42d rule and that the Bill be read a second time,  
Which was agreed to; when,

On motion of Mr. Walworth,

The House resolved itself into committee of the whole, Mr. Felkner in the chair; and,

After some spent therein, the committee rose and by their chairman reported the same back to the House without amendment;

When,

On motion of Mr. Walworth,

The 42d Rule was again suspended and the bill read a third time and passed and title agreed to.

Mr. Rogers, from the committee on the Judiciary, to whom was referred

No. 15, H. R. file, A bill to amend an act, entitled an act, to provide for the appointment of Justices of the Peace, to proscribe their duties and powers and to regulate their proceedings;

Have had the same under consideration and report the bill back to the House with the following amendments, namely:

To strike out the first and fifth sections of the Bill.

The committee is of the opinion that there are serious objections to the first section.

The execution for costs which that section provides to be issued against the plaintiff, in case the same were not paid by the defendant, would be issued without having any judgment whereon to found such execution, and would present the anomaly in legal proceedings of issuing execution against one party, when the judgement of the court was against the opposite party.

It would deprive the plaintiff of the constitutional and common law right of trial by jury, and of the opportunity of making any defence; such as false return of the officer, or a payment of the costs to the persons severally entitled to them.

The committee think, in relation to the fifth section, that the existing law is sufficiently restrictive to protect the just rights of defendants. It provides that "Every action cognizable before a justice of the peace, instituted by summons or warrant, shall be brought before some justice of the township, either, first, wherein the defendant resides—or, second, wherein the plaintiff resides and the defendant may be found, but if the defendant in any action is a nonresident of the county, or has abscond-



ed from the usual place of abode, the action may be brought before some justice of any township where he may be found."

The provisions contained in the fifth section of the Bill if passed into a law, your committee believe would be favoring the party in fault, throwing great obstacles in the way of collecting debts, be burdensome upon creditors and witnesses, and contrary to the practice elsewhere, and against sound policy; which,

On motion of Mr. Rogers,

Was laid upon the table.

Mr. McCulloch, from the select committee, consisting of the Lee county delegation, to whom was referred

No. 10, H. R. file, A bill to relocate the county seat of Lee county;

Reported the same back to the House with amendments;

Which were concurred in; when,

On motion of Mr. McCulloch,

Ordered to be engrossed and read a third time to-morrow.

No. 12, H. R. file, A report and joint resolution of the committee on claims, to whom was referred the account of Wilson & Keesecker;

Being the order of the day, the House resolved itself into committee of the whole, Mr. Robertson in the chair, and,

After some time spent therein, the committee rose, and, by their chairman, reported the same back to the House without amendment; when,

On motion of Mr. Andros,

The same was ordered to be engrossed and read a third time to-morrow.

No. 10, C. file, A joint resolution providing for the adjournment of both Houses until January 2d, 1843;

Which was read a first time.

Mr. Newell moved

To strike out Thursday and insert Friday.

Which was lost; when,

On motion of Mr. Lewis,

The House resolved itself into committee of the whole, Mr. Wilson in the Chair; and,

After some time spent therein, the committee rose, and, by their chairman, reported the same back to the House with one amendment.

Mr. Lewis moved a call of the House,

Which was had, and the absent members sent for, who appearing in their seats,

The further call of the House, was,

On motion of Mr. Andros, dispensed with.

The question then recurring upon the amendment of the committee of the whole, to wit:

Strike out all after the word "Council," to the word "Iowa," inclu-



give, and insert "the House of Representatives concurring herein;"

Which was agreed to.

Mr. Barton moved

To indefinitely postpone the consideration of the subject;

Which was lost.

Mr. Barton moved

To strike out all after the word "that" in the third line, to the word "the," in the second line;

Which was agreed to.

The question then recurred upon the adoption of the resolution as amended;

Upon which the yeas and nays were ordered;

Yeas 17, Nays 9.

Those who voted in the affirmative were,

Messrs. Andros,

Barton,

Berry,

Briggs,

Bunker,

Culbertson,

Felkner,

Hackleman,

Hepner,

Lewis,

McCulloch,

Newell,

Rogers,

Steele,

Thornton,

Walworth,

Speaker.

Those who voted in the negative were,

Messrs. Blair,

Brierly,

Goddard,

Jay,

McMillan,

Robertson,

Sales,

Swearingen,

Wilson.

So the resolution as amended was adopted.

Message from the Council, by Mr. Fales, their Secretary:

Mr. Speaker—The Council have passed

No. 7, C. file, A bill to extend further time to the First Universalist Society, to complete their House of worship.

Also,

No. 8, C. file, A joint resolution instructing our Delegate in Congress to procure an amendment to the Organic law.

In which the concurrence of the House is requested.

Also, without amendment,

No. 6, H. R. file, A bill granting to A. Scott Brownlee and others, the right to construct a mill race;

No. 7, H. R. file, A bill to legalize the acts of the County Commissioners of Des Moines county in certain cases;

Mr. Walworth offered the following:

Resolved, That the committee on revision have power to fill any vacancies that may occur in that body during the recess of the House, from any of the members of this House, and that said committee have power to employ one or more clerks as may be necessary, and that said committee have power to procure the performance of such incidental printing as they may deem necessary.

Mr. McMillan moved,



To amend by inserting after the word "Resolved," "By the House of Representatives, the Council concurring herein."

Which was agreed to; when

On motion of Mr. McMillan,

The resolution was further amended, by striking out all after the word "Clerks."

Mr. Hepner moved,

Further to amend by striking out "or more" in the fifth line after the word "one," "as may be necessary" after the word "Clerks" in the sixth line, with the letter "s."

Which was agreed to. The question then recurring upon the adoption of the Resolution as amended, was put and agreed to.

So the resolution as amended was passed.

On motion of Mr. Rogers,

The House adjourned.

#### THURSDAY MORNING, DECEMBER 22, 1842.

The House met pursuant to adjournment.

Mr. Lewis, on previous notice and leave being granted, introduced

No. 21, H. R. file, An act to legalize the acts of George Duden;

Which was read a first time.

Mr. Culbertson, asked and obtained leave of absence for Mr. Thornton.

Mr. Walworth, from the committee on engrossed bills, reported that they have examined

No. 10, H. R. file, A bill to relocate the county seat of Lee county;

Also,

No. 12, H. R. file, A report and joint resolution of the committee on claims relative to the account of Wilson & Keesecker;

And find the same to be correctly engrossed.

Mr. Lewis, from the committee on enrolled bills, reported that they have examined

No. 6, H. R. file, A bill granting A. Scott Brownlee and others the right to construct a mill race;

Also,

No. 7, H. R. file, A bill to legalize the acts of the County Commissioners of Des Moines county in certain cases;

And find the same to be correctly enrolled.



No. 16, H. R. file, A bill to amend an act entitled an act subjecting real and personal estate to execution, so as to increase the exemption of sheep and household furniture from sale under execution;

Being the order of the day, the House resolved itself into committee of the whole for the consideration of the same, Mr. Walworth in the chair; and,

After some time spent therein, the committee rose, and by their chairman reported the same back to the House without amendment;

When,

On motion of Mr. Rogers,

The said bill was laid on the table.

No. 5, C. file, An act to prohibit and punish the sale of intoxicating liquors to Indians;

Being the order of the day, the House resolved itself into committee of the whole, for the consideration of the same, Mr. Hepner in the chair; and,

After some time spent therein, the committee rose, and by their chairman reported the same back to the House without amendment;

When,

On motion of Mr. Lewis,

The bill was referred to the committee on the Judiciary.

No. 17, H. R. file, A bill supplementary to an act, entitled an act, to amend an act concerning costs and fees;

Was read a second time; and,

On motion of Mr. Rogers,

Laid upon the table.

No. 18, H. R. file, A bill to amend an act entitled an act subjecting real and personal estate to execution;

Was read a second time, and,

On motion of Mr. Newell,

Laid upon the table.

No. 19, H. R. file, A bill to relocate a part of a Territorial road in Henry county;

Was read a second time; and,

On motion of Mr. Wilson,

Ordered to be engrossed and read a third time on the 2d of January next.

No. 10, H. R. file, A bill to relocate the county seat of Lee county;

Was read a third time.

Mr. Sales moved

To lay the bill on the table until the second of January next;

Which was lost.

Mr. Hepner then moved

To postpone the further consideration of said bill until Tuesday week; which was lost.

Mr. Newell moved



To amend by inserting the following additional section:

SEC. 12. That if the seat of justice of Lee county shall be removed from Ft. Madison, it shall be the duty of the County Commissioners to refund the amount heretofore subscribed and paid on subscription by individuals for the purpose of erecting public buildings;

Pending which,

On motion of Mr. McCulloch,

The bill was laid on the table subject to the order of the House.

The following message was then received from the Council, by their Secretary, Mr. Fales:

Mr. Speaker—The Council have passed

With amendments the resolution authorizing the committee on revision to fill vacancies and employ one Clerk.

In which the concurrence of the House is requested.

No. 12, H. R. file, Joint resolution fixing the pay of Wilson & Keesecker for printing the Journals of the House of Representatives, session 1841-'42;

Was read a third time; when,

On motion of Mr. Walworth,

The same was referred to the select committee appointed to report a bill fixing the prices of public printing.

Upon which question the yeas and nays were ordered;

Yeas 14, Nays 11.

Those who voted in the affirmative were,

Messrs. Barton,

Blair,

Bunker,

Goddard,

Jay,

Lewis,

McMillan,

Newell,

Robertson,

Sales,

Steele,

Swearingen,

Walworth,

Wilson.

Those who voted in the negative were,

Messrs. Andros,

Berry,

Brierly,

Briggs,

Culbertson,

Felkner,

Hackleman,

Hepner,

McCulloch,

Rogers,

Speaker.

So the motion was agreed to.

A message from the Council by their Secretary, Mr. Fales:

Mr. Speaker—The Council have concurred in the amendments made by the House, to

No. 10, C. file, A resolution providing for the adjournment of the two Houses.

The Council have passed

No. 13, H. R. file, A bill to authorize the Board of County Commissioners of Van Buren county to establish a certain road;

No. 7, C. file, A bill to extend further time to the First Universalist Society to complete their house of worship; and,



No. 8, C. file, Joint resolution instructing our Delegate in Congress to procure an amendment to the Organic law;

Were severally read a first time.

The resolution giving to the committee on Revision the power to fill vacancies, &c., being under consideration as returned from the Council, amended so as to read as follows:

Resolved, by the House of Representatives, the Council concurring herein, That the committee on Revision have power to fill any vacancies that may occur in that body during the recess of this House, from any of the members of either House;

And be it further

Resolved, That said committee shall have the power to command the services of any of the Clerks of either House.

The amendments of the Council were concurred in, and the resolution as amended was adopted.

On motion of Mr. Lewis,

Leave of absence was granted to the Sergeant at arms of this House during the recess.

On motion of Mr. Rogers,

Leave of absence was granted to all the officers of this House whose services are not required by the committee on Revision.

On motion of Mr. McMillan,

The House adjourned until the 2d day of January, 1843.

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#### MONDAY MORNING, JANUARY 2, 1843.

The House met pursuant to adjournment.

Mr. Barton presented the petition of sundry citizens of Van Buren county, asking for a certain Territorial road; which,

On motion of Mr. Barton,

Was referred to the delegation from Van Buren county.

Mr. Steele presented the remonstrance of sundry citizens of Lee county, remonstrating against the relocation of the county seat of Lee county;

Mr. Brierly moved

To refer said petition to a select committee, consisting of the delegation from Lee county.

Mr. Hepner moved

To amend by referring the same to a select committee, consisting of one from each electoral district;



Which was lost.

The question then recurring upon the original motion, was put and agreed to.

Mr. Lewis presented the petition of sundry citizens of Iowa Territory, asking a charter to Arthur Thome to build a lock and dam across the Des Moines river for mill purposes; which,

On motion of Mr. Lewis,

Was referred to the Delegates from Lee and Van Buren counties.

Mr. Robertson gave notice that he would, on to morrow or some future day, ask leave to introduce a bill to regulate the practice of medicine and surgery in the Territory of Iowa.

Mr. Brierly, from the select committee to whom was referred, that part of the Governor's message, relative to the improvement of the Mississippi river, reported

No. 22, H. R. file, A memorial for a grant of land for a canal at each of the Rapids of the Mississippi;

Which was read a first time.

Mr. McCulloch moved

That forty copies of the same be printed.

Which was agreed to.

Mr. Lewis, from the committee on enrolled bills, reported that they have examined

No. 13, H. R. file, A bill to authorize the Board of County Commissioners of Van Buren county to establish a certain road;

And found the same correctly enrolled.

No. 21, H. R. file, An act to legalize the acts of George Duden, a justice of the peace;

Was read a second time; and,

On motion of Mr. Lewis,

Ordered to be engrossed and read a third time on Monday next.

No. 7, C. file, A bill to extend further time to the First Universalist Society, to complete their House of worship;

Was read a second time; and,

On motion of Mr. Felkner,

Was ordered to be engrossed and read a third time to-morrow.

No. 8, C. file, A joint resolution instructing our Delegate in Congress to procure an amendment to the Organic law;

Was read a second time; and,

On motion of Mr. Hepner,

Referred to the Committee on the Judiciary.

No. 19, H. R. file, A bill to relocate a part of a Territorial road in Henry county;

Was read a third time, passed, and title agreed to.



Mr. Rogers, on previous notice and leave granted, introduced No. 23, H. R. file, A bill to repeal the charter of the Miners' Bank of Dubuque and to provide for winding up the affairs of the same; Which was read a first time; when,

On motion of Mr. Walworth,  
Forty copies of the same were ordered to be printed.

On motion of Mr. Lewis,  
The petition of the Journeymen Printers of Iowa City;  
Was taken from the table, and referred to the joint committee on printing; when,

On motion of Mr. Barton,  
The House adjourned until Tuesday morning.

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TUESDAY MORNING, JANUARY 3, 1843.

The House met pursuant to adjournment.

Mr. Berry presented the petition of sundry citizens of Linn county, asking the repeal of a certain law; which,

On motion of Mr. Berry,  
Was referred to the committee on the Judiciary.

Mr. Hepner presented the petition of Wm. Walters, asking an allowance for printing certain acts of the Wisconsin Legislature; which,

On motion of Mr. Hepner,  
Was referred to the committee on the Judiciary.

Mr. Barton presented the petition of sundry citizens of Bentonsport, asking an extension of time for completing a certain mill dam;

Also,

The petition of sundry citizens of Bentonsport, asking that the public landing of said place be donated to the holders of a certain charter, for mill purposes; which,

On motion of Mr. Barton,  
Were referred to the delegation from Van Buren county.

Mr. Brierly presented the petition of sundry citizens of Lee county, asking the Legislature to authorize Isaac R. Chandler and others, to construct a certain mill dam; which,

On motion of Mr. Brierly,  
Was referred to the delegation from Lee county.



On motion of Mr. McCulloch,  
The petition of sundry citizens of Lee county, relating to the county seat of said county;

Was taken from the table; and,  
Referred to the delegation from Lee county.

Mr. Rogers presented the petition of Edwin Steele and others, asking power to locate a certain road, &c.;

Also,

The petition of sundry citizens of Dubuque, remonstrating against the further location of roads in said county; which,

On motion of Mr. Rogers,  
Were referred to the committee on roads.

Mr. Walworth offered the following:

Resolved, by the Council and House of Representatives of the Territory of Iowa, That the joint committee appointed to report a bill of prices hereafter to be allowed for the public printing of this Territory be authorized to administer oaths and examine witnesses before said committee; when,

On motion of Mr. Walworth,

The 42d rule was suspended, the resolution read a second and third time and passed.

Mr. Sales gave notice, that he would on to-morrow or some future day, ask leave to introduce a bill to amend an act entitled an act relative to mechanics' liens and other purposes.

Mr. Walworth, from the committee on engrossed bills, reported that they have examined

No. 21, H. R. file, An act to legalize the acts of George Duden a justice of the peace;

And find the same to be correctly engrossed.

Mr. McMillan, from the committee on revision, reported

No. 25, H. R. file, A bill organizing a board of County Commissioners in each county in the Territory of Iowa;

Also,

No. 26, H. R. file, An act in relation to the safe custody of persons arrested for crimes and misdemeanors;

Also,

No. 27, H. R. file, A bill to prevent and punish gaming;

Also,

No. 28, H. R. file, An act for the encouragement of Agriculture and Domestic Manufactures;

Also,

No. 29, H. R. file, An act regulating the keeping of stallions and jacks, and to improve the breed of horses;

Which were severally read a first time.

Mr. Walworth moved to print No. 25.



Mr. Newell moved to print No. 26.

Mr. Robertson moved to print No. 27.

Which motions were severally agreed to.

No. 23, H. R. file, A bill to repeal the charter of the Miners' Bank of Dubuque, and to provide for the winding up the affairs of the same; Being the order of the day, the House resolved itself into committee of the whole, Mr. Andros in the chair, and,

After some time spent therein, the committee rose, and, by their chairman, reported the same back to the House without amendment.

Mr. Walworth moved

To lay the bill on the table until Monday next:

Upon which the yeas and nays were ordered;

Yeas 17, Nays 9.

Those who voted in the affirmative were,

Messrs. Bunker,

Jay,

McMillan,

Steele,

Walworth,

Wilson.

Those who voted in the negative were,

Messrs. Andros,

Barton,

Berry,

Blair,

Brierly,

Briggs,

Culbertson,

Felkner,

Goddard,

Hackleman,

Hepner,

Lewis,

McCulloch,

Newell,

Robertson,

Rogers,

Sales,

Swearingen,

Speaker.

So the motion was lost.

Mr. Rogers moved

To lay the bill upon the table, subject to the order of the House;

Which was agreed to.

The following message was received from the Council by Mr. Fales their Secretary:

Mr. Speaker—The Council have passed without amendment

No. 20, H. R. file, A bill to change the name of Philip Roelure.

I herewith present for your signature

No. 3, C. file, A memorial to Congress, asking for a survey of the Indian boundary line;

Also the following:

The Council have passed without amendment

No. 24, H. R. file, A joint resolution authorizing the committee on printing to administer oaths, &c.

I herewith return

An act to authorize the Board of County Commissioners of Van Buren county to establish a certain road.

No. 7, H. R. file, A bill to legalize the acts of the County Commissioners of Des Moines county in certain cases.



No. 6, H. R. file, A bill granting to A. Scott Brownlee and others the right to construct a mill race;

All of which have been signed by the President of the Council.

No. 7, C. file, A bill to extend further time to the first Universalist Society to complete their House of worship;

Was read a third time, passed and title agreed to.

Mr. Jay presented the account of T. H. Curts; which,

On motion of Mr. Jay,

Was referred to the committee on claims; when,

On motion of Mr. Lewis,

The House adjourned until to-morrow at 10 o'clock.

### WEDNESDAY MORNING, JANUARY 4, 1843.

The House met pursuant to adjournment.

Mr. Lewis, from the committee on enrolled bills, reported that they have examined

No. 24, H. R. file, A joint resolution authorizing the committee on printing to administer oaths and examine witnesses;

Also,

No. 20, H. R. file, A bill to change the name of Philip Roelure;

Also,

No. 4, H. R. file, A joint resolution relative to Iowa Manufactures;

And find the same to be correctly enrolled.

Mr. Lewis, from the committee on enrolled bills, reported, that they have this day presented to the Governor for his approval and signature:

An act granting to A. Scott Brownlee and others, the right to construct a mill race.

An act to legalize the acts of the County Commissioners of Des Moines county in certain cases; and,

An act to authorize the Board of Commissioners of Van Buren county to establish a certain road.

The Chair submitted the following communication from the Secretary of the Territory:

SECRETARY'S OFFICE,  
Iowa City, January 4, 1843. }

To the Honorable

The Speaker of the House of Representatives:

Permit me, through you, to inform the House, that I have just received through the medium of the Post Office at Burlington, several Treasury Drafts on various offices, being for portions of the annual ap-



appropriation, and amounting in the aggregate to eighteen thousand six hundred and seventy-five dollars [\$18,675 00] one of the drafts alluded to, is for one thousand seven hundred and seventy-five dollars, on the Land Office at Fairfield; another is for three thousand eight hundred dollars, on the Land Office at Palmyra, and a third for thirteen thousand one hundred dollars, on the Bank of America, a deposite Bank in the City of New York.

It is my intention as soon as I can make the arrangement to proceed to Palmyra for the purpose of procuring the amount on that office, and collect the Fairfield draft, on my return to the Capitol.

The Honorable, the House of Representatives will at once perceive the utter impracticability of making available, without some action on the part of the Legislative Assembly, any sum over the proceeds of the drafts on Fairfield and Palmyra, say \$5,575.

I am informed that there is a branch of the Bank of Missouri located at Palmyra, and it was furthermore suggested to me that the Treasury draft on New York might be cashed there. The purport of the present communication then, is to respectfully propose for consideration of your Hon. body, as possessing primarily the power of all legislation touching measures of revenue, the passage of a Joint resolution authorizing the Secretary of the Territory to negotiate the draft referred to, prescribing to him the kind of funds the members of the House, with the concurrence of those of the Council, would be willing to receive in payment of their per diem; that is to say, provided the amount, the whole or any part of it, could not be procured in gold and silver.—The Hon., the House of Representatives will please observe that it is not contemplated to yield one dollar, as a rate of exchange; on the contrary, the Secretary, even with the sanction of the Assembly, would not be warranted in making any discount for any description of funds whatsoever.

I am, sir, very respectfully,

Your obedient servant,

O. H. W. STULL,

Secretary of Territory.

Mr. Andros moved,

To refer said communication to the committee on expenditures;

Which was agreed to.

The Chair also submitted the following report of the Territorial Treasurer:

#### TREASURER'S REPORT.

TREASURER'S OFFICE, IOWA, }  
January 1st, 1843. }

To the Honorable

The Legislative Assembly:

GENTLEMEN—In obedience to the provisions of the law imposing on me that duty, I herewith submit the annual report of this office.

The following receipts are based upon conditional credits, by reason



of drafts drawn upon the counties annexed, in liquidation of the Auditor's Warrant's, below, marked paid.

1842.	Drafts drawn on Lee county,	-	\$100 00	
"	"	Des Moines county,	382 50	
"	"	Scott county,	129 00	
"	"	Jefferson county,	22 00	
"	Cash actually received of Johnson county		37 00	
	Total amount,	-		\$670 50

*No. Auditor's Warrants paid. 1842. 1st quarter.*

	Jesse Williams—Auditor's salary for 1841,	\$100 00	
7.	V. P. Van Antwerp, Adj't Gen'l,	75 00	
24.	Do. do.	75 00	
58.	M. Reno, Treasurer's salary,	11 68	
30.	A. H. Davenport,	54 00	
61.	John Lorton,	21 00	
	<i>2d quarter.</i>		
48.	James Cameron,	22 00	
49.	Do.	189 50	
64.	M. Reno, Treasurer's salary,	25 00	
62.	Wm. Greene,	22 00	
	<i>4th quarter.</i>		
74.	O. H. W. Stull, Adj't Gen'l,	75 00	
	Total amount,		\$670 18

Amount in the Treasury, 1843, 1st January, 32

*No. Outstanding Warrants. 1st quarter—1840.*

5.	O. Fairchild,	\$ 10 00	
6.	V. P. Van Antwerp,	150 00	
8.	D. Hogue,	14 12	
			\$ 174 12
	<i>3d quarter—1840.</i>		
9.	A. H. Davenport,	6 99	
10.	D. Hogue,	20 00	
			26 99
	<i>4th quarter—1840.</i>		
13.	H. Heffleman,	50 00	
14.	Do.	50 00	
15.	Do.	50 00	
16.	Do.	50 00	
17.	Do.	50 00	
18.	Do.	50 00	
19.	Do.	20 00	
22.	Henry King,	32 00	
			352 00
	Amount carried forward,		\$553 11



		Amount brought forward,		
No.		1st quarter—1841.		
25.	J. H. Lines,	-	92 24	
26.	B. W. Gillock,	-	189 73	
				281 97
		2d quarter—1841.		
28.	J. Davis,	-	24 72	
29.	J. G. Morrow,	-	19 11	
31.	Wells & Wilson,	-	1000 00	
32.	Do.	-	1000 00	
33.	Do.	-	1000 00	
34.	Do.	-	1000 00	
35.	Do.	-	1000 00	
36.	Do.	-	500 00	
37.	Do.	-	500 00	
38.	Do.	-	500 00	
39.	Do.	-	600 00	
40.	John Claypole,	-	437 50	
41.	Wells & Wilson,	-	500 00	
42.	Do.	-	500 00	
43.	Do.	-	500 00	
44.	Do.	-	251 42	
45.	Lucy Ann Smith,	-	61 87	
				9,394 62
		4th quarter—1841.		
46.	Wm. Reynolds,	-	62 50	
47.	Wm. Reynolds,	-	62 50	
50.	Samuel Smith,	-	64 50	
51.	A. H. Davenport,	-	9 00	
52.	J. A. Bowing,	-	27 00	
53.	B. W. Gillock,	-	54 00	
54.	Theodore Sanxay,	-	125 00	
55.	George M. McCoy,	-	21 00	
56.	George W. Commins,	-	180 00	
57.	Maj. Henry King,	-	79 00	
				684 50
		1st quarter—1842.		
59.	Z. C. Inghram,	-	9 12	
60.	C. M. McDaniel,	-	5 49	
				14 61
		2d quarter—1842.		
63.	Wm. Reynolds,	-	85 40	
65.	H. W. Gray,	-	37 87	
66.	S. H. Tryon,	-	19 34	
67.	M. Reno,	-	25 00	
				167 61
Amount carried forward,				\$11,096 42



Amount brought forward, 4th quarter—1842.			\$11,096 42
No.			
68.	M. Reno,	25 00	
69.	Do.	5 37	
70.	A. H. Davenport,	13 50	
71.	Levi Williams,	11 00	
72.	Jared N. Snow,	14 00	
73.	John W. Brown,	32 00	
75.	W. H. Woodbridge,	9 24	
			110 11
Total amount outstanding,			<u>\$11,206 53</u>

Included in this amount, on account of Penitentiary, \$9,288 92— which leaves, provided that amount is paid off by appropriations made by Congress, a balance against the Territory of \$1,917 61.

I would respectfully call the attention of the Legislature to the fact that there is no law providing the mode, or by whom, the Territorial revenue shall be transmitted to the Territorial Treasury. By reference to the law, it will be seen that the Auditor's Warrants will serve the same purpose, in the hands of the Collectors and County Treasurers, as that of cash; hence the Territorial Treasurer may, on presentation of an Auditor's Warrant, draw upon a county indebted to the Treasury, but before the draft is presented to the Collector or County Treasurer, the money may have been drawn out upon an Auditor's Warrant. The result is protestation, and consequently a draft drawing interest.

In this particular, I would suggest the expediency of so revising the law as to make it the duty of the Collectors to pay the revenue, as soon as collected, into the Territorial Treasury, and for the same receive duplicate receipts from the Treasurer, one of which to be deposited with the Auditor of Public Accounts, the other retain as a voucher for his own security. This mode will not only facilitate the reception of the revenue, but exclude much irregularity and confusion in this branch of our Territorial Government.

I am, with high respect,

Your obedient servant,

MORGAN RENO,

Treasurer.

Which,

On motion of Mr. Sales,

Was ordered to lie on the table; and,

Forty copies ordered to be printed.

Mr. Steele presented the account of Hawkins Taylor, for expenses incurred in going to Illinois after a fugitive from Iowa; which,

On motion of Mr. Steele,



Was referred to the committee on claims.

No. 28, H. R. file, An act for the encouragement of Agriculture and Domestic Manufactures;

Was read a second time; and,

On motion of Mr. Lewis,

Referred to the committee on agriculture.

No. 29, H. R. file, An act regulating the keeping of stallions and jacks, and to improve the breed of horses;

Was read a second time; when,

On motion of Mr. Hepner,

The House resolved itself into committee of the whole, Mr. Barton in the Chair; and,

After some time spent in consideration of the same, the committee rose, and, by their chairman, reported the same back to the House with amendments;

Which were concurred in; when,

On motion of Mr. Robertson,

The same was ordered to be engrossed and read a third time to-morrow.

No. 22, H. R. file, Memorial for a grant of land for a canal at each of the Rapids of the Mississippi;

Was read a second time,

And considered in committee of the whole, Mr. Berry in the Chair; and,

After some time spent therein, the committee rose and by their chairman reported progress and asked leave to sit again;

Which was granted.

Mr. Walworth offered the following:

Resolved, That the Chief Clerk of this House be authorized to employ the services of an additional Clerk, to assist in the enrolling and engrossing of bills, and for such other services as this House may require; which,

On motion of Mr. Rogers,

Was laid upon the table.

On motion of Mr. Rogers,

The House adjourned until to-morrow morning at 10 o'clock.



## THURSDAY MORNING, JANUARY 5, 1843.

The House met pursuant to adjournment.

Mr. Andros gave notice, that he would on to-morrow or some future day, ask leave to introduce a bill to legalize the acts of the sheriff of Clayton county.

Mr. Hepner, from the committee on expenditures, to whom was referred the communication of the Secretary of the Territory, reported, That they do not feel justified in authorizing the Secretary to receive any kind of funds to defray the expenses of the Legislative Assembly, except gold and silver.

Mr. Lewis moved

To amend by adding the words, "or land office money;"

Which was lost.

The question then recurring upon the adoption of the report, was put and agreed to.

Mr. Andros, from the committee on claims, to whom was referred the account of T. H. Curts, for sundry articles furnished the House of Representatives, during the session 1840 and '41, reported, that they have examined the same and find no proof of the validity of the aforesaid account, and recommend its rejection, and ask to be discharged from the further consideration of the subject;

Which was adopted.

Mr. Walworth, from the committee on engrossed bills, reported that they have examined

No. 29, H. R. file, An act regulating the keeping of stallions and jacks, and to improve the breed of horses;

And find the same to be correctly engrossed.

Mr. Goddard from the committee on Agriculture, to whom was referred

No. 28, H. R. file, An act to encourage Agriculture and Domestic Manufactures;

Reported the bill back with the following amendments:

SEC. 2. Strike out all after the word "Secretary" in the third line, to the word "meeting" inclusive in the 7th line.

SEC. 3. Insert after the word "year" in the third line the words "and until their successors are chosen."

SEC. 9. Strike out all after the word "manufactures" in the ninth line, to the word "And" in the fourteenth line.

Mr. Lewis moved

To strike out "counties" wherever it occurred and insert "Territory;"



Which was lost.

The question then recurring upon the amendments of the committee, was put and agreed to; when,

On motion of Mr. McMillan,

The bill was ordered to be engrossed and read a third time to-morrow.

The following message was then received from the Council, by their Secretary, Mr. Fales:

Mr. Speaker—The Council have passed

No. 11, C. file, A bill to locate a Territorial road from Bennett's mills in Buchanan county, via the county seat of Delaware to Olmstead's mills in said county;

In which I am directed to ask the concurrence of the House.

I herewith return

A joint resolution authorizing the committee on printing to administer oaths, &c.

A joint resolution relative to Iowa Manufactures.

A act to change the name of Philip Roelure.

All of which have been signed by the President of the Council.

I herewith present for your signature

An act to extend further time to the First Universalist Society of Iowa City to complete their House of worship.

No. 25, H. R. file, A bill organizing a board of County Commissioners in each county in the Territory of Iowa;

Was read a second time; and,

On motion of Mr. McMillan,

Was committed to a committee of the whole, and made the order of the day for Saturday next.

No. 26, H. R. file, An act in relation to the safe custody of persons arrested for crimes and misdemeanors;

Was read a second time; and,

On motion of Mr. Walworth,

Ordered to be engrossed and read a third time on to-morrow.

Mr. Hepner moved to take up the resolution authorizing the Chief Clerk to employ an additional Clerk.

Mr. Walworth moved to refer the same to a select committee of three;

Which was agreed to.

The Chair appointed Messrs. Walworth, Hepner and Robertson said committee.

No. 27, H. R. file, A bill to prevent and punish gaming;

Was read a second time; and,

On motion of Mr. Robertson,

Was made the especial order of the day, in committee of the whole, for Monday next.



No. 29, H. file, An act regulating the keeping of stallions and jacks, and to improve the breed of horses;

Was read a third time, passed, and title agreed to.

The consideration of

No. 22, H. R. file, A memorial for a grant of land for a canal at each of the Rapids of the Mississippi;

Was resumed in committee of the whole, Mr. Berry in the chair; and,

After some spent therein, the committee rose and by their chairman reported the same back to the House with sundry amendments;

Which were concurred in.

Mr. Jay then moved to amend by striking out the words "on the west side of each of the rapids" in the 8th section;

Which was lost.

Mr. Hepner then moved to strike out the 8th section;

Upon which motion the yeas and nays were ordered;

Yeas 12, Nays 14.

Those who voted in the affirmative were,

Messrs. Andros,	Felkner,	McMillan,
Briggs,	Hackleman,	Rogers,
Bunker,	Hepner,	Walworth,
Culbertson,	Jay,	Speaker.

Those who voted in the negative were,

Messrs. Barton,	Lewis,	Steele,
Berry,	McCulloch,	Swearingen,
Blair,	Newell,	Thornton,
Brierly,	Robertson,	Wilson.
Goddard,	Sales,	

So the motion was lost.

Mr. Jay moved to refer the same to a select committee consisting of one from each electoral district;

Which was agreed to.

The Chair appointed Messrs. Jay, Barton, Brierly Culbertson, Felkner, Hepner, Newell, Robertson, Rogers and Walworth said committee.

No. 11, C. file, An act to locate a Territorial road from Bennett's mills in Buchanan county, via the county seat of Delaware county to Olmstead's mills in said county;

Which was read a first time.

Mr. Jay asked and obtained leave to withdraw the account of T. H. Curts; when,

On motion of Mr. Rogers,

The House adjourned until to-morrow morning at 10 o'clock.



FRIDAY MORNING, JANUARY 6, 1843.

The House met pursuant to adjournment.

Mr. Robertson presented the petition of sundry citizens of Scott county, asking the incorporation of a hydraulic company; which,

On motion of Mr. Robertson,

Was referred to a select committee of three.

The Chair appointed Messrs. Robertson, Newell and Andros said committee.

Mr. Thornton presented the petition of sundry citizens of Muscatine county, asking the continuation of a certain Territorial road; which,

On motion of Mr. Thornton,

Was referred to the committee on roads.

Mr. Barton, from the committee on engrossed bills, reported that they have examined,

No. 28, H. R. file, An act for the encouragement of Agriculture and Domestic Manufactures;

And find the same to be correctly engrossed.

Mr. Brierly gave notice that he would, on some future day, ask leave to introduce a bill to incorporate the town of Keokuk;

Also,

A bill to establish a Seminary of learning at the town of Nashville in the county of Lee.

Mr. Felkner gave notice that he would, on some future day, introduce a bill for the relief of Walter Butler.

Mr. Jay gave notice that he would, on some future day, ask leave to introduce a bill to prevent Sabbath breaking.

Mr. Steele, from the select committee, to whom was referred the petition and remonstrance of sundry citizens of Lee county, relative to a relocation of the county seat of said county, begs leave to report;

That they have had the same under consideration, and after carefully comparing and examining the same, and striking out all the names that they could ascertain were not eligible, both on the petition and remonstrance, they find that there is one hundred and eighty-six of a majority in favor of a relocation.

The committee, therefore, recommend the passage of the bill as reported by the committee; which,

On motion of Mr. Brierly,

Was laid on the table,

Mr. Rogers, on previous notice and leave granted, introduced



No. 30, H. R. file, A bill to amend an act to incorporate the city of Dubuque;

Which was read a first time.

No. 11, C. file, An act to locate a Territorial road from Bennett's mill in Buchanan county, via the county seat of Delaware, to Olmstead's mill in said county;

Which was read a second time.

No. 26, H. R. file, An act in relation to the safe custody of persons arrested for crimes and misdemeanors;

Was read a third time, passed and title agreed to.

No. 28, H. R. file, An act for the encouragement of Agriculture and Domestic Manufactures;

Was read a third time, passed, and title agreed to.

On motion of Mr. Brierly,

No. 10, H. R. file, A bill to relocate the county seat of Lee county; with the amendment pending, as also the report of the Delegation of said county made this morning;

Were taken from the table,

And the amendment pending when the bill was laid upon the table, being under consideration;

Upon which question the yeas and nays were ordered;

Yeas 8, Nays 18.

Those who voted in the affirmative were,

Messrs. Bunker,

Newell,

Wilson.

Hepner,

Sales,

Speaker.

McMillan,

Thornton,

Those who voted in the negative were,

Messrs. Andros,

Culbertson,

McCulloch,

Barton,

Felkner,

Robertson,

Berry,

Goddard,

Rogers,

Blair,

Hackleman,

Steele,

Brierly,

Jay,

Swearingen,

Briggs,

Lewis,

Walworth,

So the amendment was lost.

Mr. Hepner offered the following amendment to the 10th section:

"Provided, however, nothing in this act shall be so construed as to make it obligatory on the commissioners to make a relocation;"

Which was agreed to.

Mr. Sales moved further to amend by adding the following section:

SEC. —. That should the commissioners aforesaid proceed to relocate at any other point than at Ft. Madison, then the qualified voters of the county aforesaid, shall proceed to vote at the ensuing August election for the point selected by the commissioners, and Fort Madison,



and the place receiving the greatest number of legal votes shall be the seat of justice of said county.

Upon which the yeas and nays were ordered;  
Yeas 12, Nays 14.

Those who voted in the affirmative were,  
Messrs. Berry,  
          Briggs,  
          Bunker,  
          Felkner,

Hepner,  
Jay,  
McMillan,  
Newell,

Sales,  
Walworth,  
Wilson,  
Speaker.

Those who voted in the negative were,  
Messrs. Andros,  
          Barton,  
          Blair,  
          Brierly,  
          Culbertson,

Goddard,  
Hackleman,  
Lewis,  
McCulloch,  
Robertson,

Rogers,  
Steele,  
Swearingen,  
Thornton.

So the amendment was lost.

The question then recurring upon the passage of the bill as amended; and,

Upon which the yeas and nays were ordered;  
Yeas 22, Nays 4.

Those who voted in the affirmative were,  
Messrs. Andros,  
          Barton,  
          Blair,  
          Brierly,  
          Briggs,  
          Bunker,  
          Culbertson,  
          Felkner,

Goddard,  
Hackleman,  
Lewis,  
McCulloch,  
Newell,  
Robertson,  
Rogers,

Sales,  
Steele,  
Swearingen,  
Thornton,  
Walworth,  
Wilson,  
Speaker.

Those who voted in the negative were  
Messrs. Berry,  
          Hepner,

Jay,

McMillan,

So the bill passed and the title was agreed to;  
When,

On motion of Mr. Lewis,  
The House adjourned until to-morrow morning at 10 o'clock.



SATURDAY MORNING, JANUARY 7, 1843.

The House met pursuant to adjournment.

Mr. Walworth presented the petition of sundry citizens of Cedar county, asking the alteration of a certain Territorial road; which,

On motion of Mr. Walworth,

Was referred to the Delegation from Cedar, Linn and Jones.

Mr. McCulloch from the committee on roads and highways, to whom was referred the petition of sundry citizens of Lee county, asking the location of a certain Territorial road; reported,

No. 31, H. R. File, A bill to establish a Territorial road in Lee county;

Which was read a first time.

Mr. Robertson, from the Select committee, to whom was referred the petition of sundry citizens of Scott county, asking a charter for a Hydraulic company, reported

No. 32, H. R. file, A bill to incorporate the Scott county Hydraulic company;

Which was read a first time; and,

On motion of Mr. Robertson,

Was ordered to be printed.

Mr. Felkner from the committee on Public Buildings, to whom was referred the petition of sundry citizens of Iowa City and vicinity, in relation to the scrip issued on account of the Capitol, also a communication from the Territorial Agent on the same subject, have had the same under consideration, and after mature reflection, have agreed upon the following report:

Your committee are disposed to believe that the Territorial Agent acted in strict accordance with what he conceived to be his duty, in refusing to receive the scrip issued in the year 1841, in payment of debts due said office, and contracted previous to that year, as in his opinion such a course would enable him to prosecute the work on the Capitol with greater dispatch than any other that he could adopt; which, in the opinion of your committee, is not altogether improbable, believing, however, that it was consulting the interests of the Territory, at the expense of the holders of said scrip. But in as much as the Capitol is now enclosed and the necessary rooms fitted up for the accommodation of the Legislature.

Your committee believe that a sense of justice to the holders of said scrip, some of whom have already waited from twelve to fifteen months for their pay, would require that immediate steps be taken for the redemption of said scrip, and that the creditors of the Territory, who so generously stepped forward to assist in the prosecution of the work on



the Capitol in the year 1841, and without whose aid the work would probably have stopped, should thereby be afforded an opportunity of making the scrip which they hold against the Territory available, your committee, therefore, recommend the passage of the following joint resolution.

Resolved, by the Council and House of Representatives of the Territory of Iowa, That the Territorial Agent be, and that he is hereby authorized and required to receive all scrip issued by him on account of the Capitol in the year 1841, in payment of all debts now due the office of said Agent;

Which was read:

Mr. Jay offered the following amendment:

Your committee cast no censure upon the Agent for the course taken by him in relation to the Scrip issued in 1841. On the contrary, the committee believe that it was the only course which he could have adopted to carry on the work on the Capitol; neither do the committee believe that the citizens of Iowa City, or Johnson county, have been injured by the action of the Agent as set forth in their petition. On the contrary, the success which has attended the course adopted, has increased the value of property greatly above any temporary inconvenience which may have been felt by individuals;—when,

On motion of Mr. Rogers,

The whole subject was laid on the table.

Mr. Bunker moved to print said report;

Upon which motion the yeas and nays were ordered;

Yeas 9, Nays 20.

Those who voted in the affirmative were,

Messrs. Bunker,  
Lewis,

McMillan,  
Newell,

Robertson,  
Wilson.

Those who voted in the negative were,

Messrs. Andros,  
Barton,

Felkner,  
Goddard,  
Hackleman,

Sales,  
Steele,  
Swearingen,  
Thornton,  
Walworth,  
Speaker.

Berry,

Hepner,

Blair,

Jay,

Brierly,

McCulloch,

Briggs,

Rogers,

Culbertson,

So the motion to print was lost.

The following message was then received from the Council, by Mr. Fales, their Secretary:

Mr. Speaker—I am directed to inform the House that the Council have passed

No. 21, C. file, An act relating to the office of Recorder of Deeds;

No. 22, C. file, An act to locate a Territorial road from Cascade, in Dubuque county, to the mouth of Tete de Morts in Jackson county;

No. 23, C. file, An act to relocate a part of a Territorial road run-



ning from Ft. Madison, in Lee county, to Fairfield, in Jefferson county;  
In which, the concurrence of the House is requested.

No. 30, H. R. file, A bill to amend an act to incorporate the City of Dubuque;

Was read a second time; and

On motion of Mr. Rogers,

Was ordered to be engrossed and read a third time on Monday next.

No. 11, C. file, A bill to locate a Territorial road from Bennett's mill, in Buchanan county, via. the county seat of Delaware county, to Olmstead's mill in said county;

Was read a third time, passed and title agreed to.

No. 25, H. R. file, A bill organizing a Board of County Commissioners in each county in the Territory of Iowa;

Being the order of the day, was considered in committee of the whole, Mr Brierly in the chair; and,

After some time spent therein, the committee rose, and by their chairman reported progress, and asked leave to sit again; which was granted.

On motion of Mr. Rogers,

No. 23, H. R. file, A bill to repeal the charter of the Miners' Bank of Dubuque, and to provide for the winding up the affairs of the same;

Was taken from the table.

Mr. Hepner moved to refer the same to the Committee on the Judiciary;

Upon which the yeas and nays were ordered;

Yeas 10, Nays 16.

Those who voted in the affirmative were,

Messrs. Berry,

Culbertson,

Felkner,

Goddard,

Hackleman,

Hepner,

McCulloch,

Rogers,

Swearingen,

Speaker.

Those who voted in the negative were,

Messrs. Andros,

Barton,

Blair,

Brierly,

Briggs,

Bunker,

Jay,

Lewis,

McMillan,

Newell,

Robertson,

Sales,

Steele,

Thornton,

Walworth,

Wilson.

So the motion was lost.

Mr. Walworth moved to refer the same to a select committee of one from each electoral district.

Upon which the yeas and nays were ordered;

Those who voted in the affirmative were,



Messrs. Andros,  
Barton,  
Berry,  
Blair,  
Briggs,  
Bunker,  
Felkner,

Goddard,  
Hackleman,  
Jay,  
Lewis,  
McMillan,  
Newell,  
Robertson,

Sales,  
Steele,  
Swearingen,  
Walworth,  
Wilson.

Those who voted in the negative were,  
Messrs. Brierly,  
Culbertson,  
So the motion was agreed to.

Hepner,  
McCulloch,

Rogers,  
Speaker.

The following message was received from the Council by Mr. Fales their Secretary:

Mr. Speaker—The Council have passed

No. 17, C. file, An act relative to divorce, alimony and other purposes;

Also,

No. 20, C. file, An act to change the time of holding the district court, in the second judicial district;

In which I am directed to ask the concurrence of the House.

No. 21, C. file, An act relating to the office of Recorder of Deeds.

No. 22, C. file, A bill to locate a Territorial road from Cascade, in Dubuque county, to the mouth of Tete de Morts, in Jackson county.

No. 23, C. file, A bill to relocate a part of a Territorial road running from Ft. Madison, in Lee county, to Fairfield, in Jefferson county.

No. 17, C. file, A bill relative to divorce, alimony, and other puposes.

No. 20, C. file, A bill to change the time of holding the district court in the second judicial district;

Were severally read a first time.

The Chair announced the following select committee of one from each electoral district:

Messrs. Walworth, Andros, Barton, Culbertson, Felkner, Goddard, Hepner, Jay, McMillan and Newell;

To whom was referred

No. 23, H. R. file, A bill to repeal the charter of the Miners' Bank of Dubuque and to provide for winding up the affairs of the same;

Mr. Walworth moved

That said committee have power to send for such persons and papers as may be had in Iowa City, relative to that subject;

Which was agreed to.

Mr. Felker on previous notice and leave granted, introduced No. 34, H. R. file, A bill for the relief of Walter Butler;

Which was read a first time; when,

On motion of Mr. Mewell,

The House adjourned until Monday morning 10 o'clock.



MONDAY MORNING, JANUARY 9, 1843.

The House met pursuant to adjournment.

Mr. Wilson presented the petition of sundry citizens of the town of Salem, asking an alteration in their town charter; which,

On motion of Mr. Wilson,

Was referred to the delegation from Henry county.

Mr. Culbertson presented the petition of sundry citizens of Jefferson county, asking the alteration of a certain Territorial road; which,

On motion of Mr. Culbertson,

Was referred to the committee on roads and highways.

Mr. Culbertson gave notice that he would, on some future day, ask leave to introduce a bill to amend the act to district this Territory into electoral districts.

Mr. Robertson gave notice that he would, on some future day, ask leave to introduce a bill to abolish capital punishment in the Territory of Iowa.

Mr. Newell offered the following:

Resolved, That the standing committee on military affairs, be instructed to enquire into the expediency of reporting a bill so to amend the existing laws, for the organization and discipline of the militia of this Territory.

1st. The training of the rank and file of the infantry in time of peace shall be dispensed with.

2d. All able bodied citizens over the age of eighteen and under the age of forty-five, shall be kept regularly enrolled.

3d. The infantry shall be kept regularly organized and officered.

4th. The raising of volunteer corps shall be encouraged by appropriate privileges and immunities.

5th. Division boards of inspection shall be appointed, whose duty it shall be to make periodical examinations with regard to the proficiency of the officers of their respective divisions, in the military tactics, and to give certificates of proficiency to such officers as shall be qualified for actual service.

6th. Such provision shall be made for holders of such certificates, as will tend to encourage the study of military tactics among the whole body of officers.

Which was adopted.

Mr. Rogers offered the following:

Resolved, That the select committee who have in charge the inves-



tigation of the affairs of the Miners' Bank of Dubuque, be instructed to report by to-morrow morning.

Mr. Andros moved to amend, by striking out the words "to-morrow morning" in the fourth line, and inserting "on Saturday next;"

Upon which the yeas and nays were ordered;

Yeas 15; Nays 10.

Those who voted in the affirmative were,

Messrs. Andros,	Lewis,	Steele,
Blair,	McMillan,	Swearingen,
Bunker,	Newell,	Thornton,
Goddard,	Robertson,	Walworth,
Jay,	Sales,	Wilson.

Those who voted in the negative were,

Messrs. Berry,	Felkner,	McCulloch,
Briggs,	Hackleman,	Rogers,
Brierly,	Hepner,	Speaker.
Culbertson,		

So the amendment was agreed to.

The question then recurred upon the adoption of the resolution as amended; and,

Upon which the yeas and nays were ordered;

Yeas 15; Nays 10.

Those who voted in the affirmative were,

Messrs. Andros,	Lewis,	Steele,
Blair,	McMillan,	Swearingen,
Bunker,	Newell,	Thornton,
Goddard,	Robertson,	Walworth,
Jay,	Sales,	Wilson.

Those who voted in the negative were,

Messrs. Berry,	Felkner,	McCulloch,
Brierly,	Hackleman,	Rogers.
Briggs,	Hepner,	Speaker.
Culbertson,		

So the resolution as amended was adopted.

Mr. Rogers gave notice that he would, on some future day, ask leave to introduce a joint resolution for the adjournment of the Legislature on Monday next.

Mr. Lewis, from the committee on enrolled bills, reported that the committee on the 6th instant laid before the Governor for his approval:

A joint resolution authorizing the committee on printing to administer oaths and examine witnesses.

Also,

An act to change the name of Philip Roelure.



Also,

A joint resolution relative to Iowa manufactures.

Mr. Walworth, from the committee, consisting of the delegation from Cedar, Linn and Jones, to whom was referred the petition of sundry citizens of Cedar, Jones and Linn, reported

No. 35, H. R. file, A bill to relocate a part of a Territorial road leading from Davenport in Scott county, to Marion in Linn county;  
Which was read a first time.

Mr. Brierly, from the select committee, to whom was referred the petition of sundry citizens of Lee county, asking a charter to construct a mill dam, &c., reported

No. 36, H. R. file, A bill to authorize Isaac R. Campbell and company to construct a dam across the Des Moines river;  
Which was read a first time.

No. 31, H. R. file, A bill to establish a Territorial road in Lee county; was read a first time; and,

On motion of Mr. McCulloch,

Was ordered to be engrossed and read a third time to-morrow.

No. 34, H. R. file, A bill for the relief of Walter Butler;

Was read a second time; and,

On motion of Mr. Felkner,

Was committed to the committee of the whole, and made the order of the day for Thursday next.

No. 17, C. file, A bill relative to divorce, alimony and other purposes;

Was read a second time; and,

On motion of Mr. Wilson,

Committed to the committee of the whole, and made the order of the day for to-morrow.

No. 20, C. file, A bill to change the time of holding the district court in the second judicial district;

Was read a second time; and,

On motion of Mr. Walworth,

Was laid upon the table subject to the order of the House.

No. 21, C. file, An act relating to the office of Recorder of Deeds;

Was read a second time; and,

On motion of Mr. McMillan,

Was referred to the committee on the Judiciary.

No. 22, C. file, A bill to locate a Territorial road from Cascade in Dubuque county, to the mouth of Tete des Mort in Jackson county;

Was read a second time; and,

On motion of Mr. Lewis,

Was ordered to be read a third time on to-morrow.



No. 23, C. file, A bill to relocate a part of the Territorial road running from Ft. Madison in Lee county, to Fairfield in Jefferson county;

Was read a second time; and,

On motion of Mr. Culbertson,

Ordered to be read a third time on to-morrow.

No. 21, H. R. file, An act to legalize the acts of George Duden, a justice of the peace;

Was read a third time; and,

On motion of Mr. Lewis,

Was referred to a select committee.

The Chair appointed Messrs. Lewis, McMillan and Robertson, said committee.

No. 27, H. R. file, A bill to prevent and punish gaming;

Being the order of the day, the House resolved itself into committee of the whole for the consideration of the same, Mr. Briggs in the chair; and,

After some time spent therein, the committee rose, and by their chairman reported progress, and asked leave to sit again;

Which was granted; when,

On motion of Mr. Lewis,

The House adjourned until to-morrow morning at 10 o'clock.

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## TUESDAY MORNING, JANUARY 10, 1842.

The House met pursuant to adjournment.

Mr. Berry presented the petition of sundry citizens of Jones, Cedar and Johnson counties, asking that a certain county road may be made a Territorial road, and that the same may be continued, &c.; which

On motion of Mr. Berry,

Was referred to the committee on roads and highways.

Mr. Bunker presented the petition of sundry citizens of Washington county, remonstrating against the location of a certain Territorial road; which

On motion of Mr. Bunker,

Was referred to a select committee of three.

The Chair appointed Messrs. Bunker, Newell and Culbertson, said committee.

Mr. Wilson presented the petition of sundry citizens of Henry county, asking the relocation of a certain Territorial road; which,



On motion of Mr. Wilson,  
Was referred to the delegation from Henry county.

Mr. Thornton presented the petition of sundry citizens of Muscatine county, asking the location of a certain road; which,

On motion of Mr. Thornton,  
Was referred to the committee on roads and highways.

Mr. Swearingen offered the following:

Resolved, by the Council and House of Representatives of the Territory of Iowa, That the Secretary of said Territory be, and he is hereby authorized to receive sealed proposals until the 4th of February next, from the proprietors of newspapers within this Territory, for printing the Laws, passed at the present session, and that he lay the same before this Legislature;

Which was read a first time; and,

On motion of Mr. Walworth,  
The 42d Rule was again suspended and the resolution read a second and third time.

Mr. Hepner moved

To amend by inserting the words "and Journals" after the word "Laws" in the seventh line;

Which was lost.

Mr. Felkner moved

To lay the resolution on the table until the committee on printing made their report;

Which was agreed to.

Mr. Brierly offered the following:

Resolved, by the Council and House of Representatives of the Territory of Iowa, That our delegate in Congress be instructed to use his influence to have that part of the mail route leading from the city of Burlington, in the county of Des Moines, to Keokuk, in the county of Lee, which lays between Keokuk and Montrose, so changed as to have the same come by the way of Nashville, and to have a Post Office established at the aforesaid town of Nashville.

Resolved, That his Excellency the Governor, be requested to forward one copy of this resolution to the Hon. A. C. Dodge, our delegate in Congress, and one to the Post Master General as early as possible;

Which was read a first time.

Mr. Felkner offered the following:

Resolved, That the committee on roads and highways be instructed to enquire into the expediency of passing a law, authorizing the County Commissioners of the several counties in this Territory, to alter or change Territorial roads in their respective counties; which,

On motion of Mr. Felkner,

Was laid on the table.



Mr. Rogers offered the following:

Resolved, That the resolution giving the select committee, who have in charge the investigation of the affairs of the Miners Bank, until Saturday to report, be, and the same is hereby recinded.

Mr. Newell moved

To lay the resolution on the table.

Upon which motion the yeas and nays were ordered;  
Yeas 22, Nays 4.

Those who voted in the affirmative were,

Messrs. Andros,	Goddard,	Sales,
Barton,	Hackleman,	Steele,
Berry,	Jay,	Swearingen,
Blair,	Lewis,	Thornton,
Brierly,	McCulloch,	Walworth,
Briggs,	McMillan,	Wilson.
Bunker,	Newell,	
Felkner,	Robertson,	

Those who voted in the negative were,

Messrs. Culbertson,	Rogers,	Speaker.
Hepner,		

So the motion was agreed to.

Mr. Rogers introduced the following:

Resolved, The House (the Council concurring) will adjourn on Monday next; which

On motion of Mr. Jay,  
Was laid upon the table.

Mr. Newell offered the following:

Resolved, That the standing committee on townships and county boundaries, be instructed to enquire into the expediency of organizing into counties, prospectively, the country included within the limits of the ideal line, to be established between the White settlements and the Sac and Fox Indians;

Which was agreed to.

Mr. Lewis from the select committee, consisting of the delegation from Van Buren county, to whom was referred

No. 21, H. R. file, An act to legalize the acts of George Duden a justice of the peace;

Reported the same back to the House with amendment;

Which was agreed to; when

On motion of Mr. Lewis,

The same was ordered to be engrossed and read a third time to-morrow.

Mr. Robertson, on previous notice and leave granted, introduced No. 39, H. R. file, A bill to amend an act entitled an act, defining crimes and punishments;



Which was read a first time.

Mr. Andros, on previous notice and leave granted, introduced No. 40, H. R. file, An act to legalize the acts of the Sheriff of Clayton county;

Which was read a first time.

Mr. Lewis, on previous notice and leave granted, introduced No. 41, H. R. file, An act to legalize the acts of Cyrus Gibson a Justice of the Peace, of Van Buren county;

Which was read a first time.

No. 32, H. R. file, A bill to incorporate the Scott County Hydraulic Company;

Being the order of the day, the House resolved itself into committee of the whole, Mr. Bunker in the chair; and,

After some time spent therein, the committee rose, and, by their chairman, reported the same back to the House with amendment;

Which was concurred in; and,

On motion of Mr. Walworth,

Was recommitted to the same committee who reported the bill.

No. 35, H. R. file, A bill to relocate a part of a Territorial road, leading from Davenport, in Scott county, to Marion, in Linn county;

Was read a second time, and,

On motion of Mr. Walworth,

Was ordered to be engrossed and read a third time to-morrow.

No. 36, H. R. file, A bill to authorize Isaac R. Campbell, & co., to construct a dam across the Des Moines river;

Was read a second time; and,

On motion of Mr. Hepner,

Was referred to the committee on the judiciary.

No. 22, C. file, An act to locate a Territorial road from Cascade, in Dubuque county, to the mouth of Tete de Mort, in Jackson county;

Was read a third time, passed, and title agreed to.

No. 23, C. file, A bill to relocate a part of a Territorial road running from Ft. Madison, in Lee county, to Fairfield, in Jefferson county;

Was read a third time, passed, and title agreed to.

No. 17, C. file, A bill relative to divorce, alimony, and other purposes;

Being the order of the day, was considered in committee of the whole, Mr. Culbertson in the chair; and

After some time spent therein, the committee rose, and by their chairman reported the same back to the House without amendment;

Which was concurred in.

Mr. Lewis moved

To amend by adding to the 16th section "Provided, That nothing in



this act shall, in any wise, effect the petitions for divorces and alimony, now pending in the courts of this Territory;"

Which was agreed to; and

On motion of Mr. McMillan,

Ordered to be read a third time to-morrow; when

On motion of Mr. Rogers,

The House adjourned until 10 o'clock to-morrow morning.

### WEDNESDAY MORNING, JANUARY 11, 1843.

The House met pursuant to adjournment.

Mr. Thornton presented the petition of sundry citizens of Muscatine county, asking that a charter be granted to S. H. Colyer & Henry de Camp, to keep a ferry at Wyoming in said county; which,

On motion of Mr. Thornton,

Was referred to a select committee of one from each of the counties of Muscatine, Scott and Johnson.

The Chair appointed Messrs. Thornton, Robertson and Felkner, said committee.

Mr. Walworth, from the committee on engrossed bills, reported that they have examined

No. 30, H. R. file, A bill to amend an act to incorporate the city of Dubuque.

No. 31, H. R. file, A bill to establish a Territorial road in Lee county.

No. 35, H. R. file, A bill to relocate a part of a Territorial road, leading from Davenport in Scott county, to Marion in Linn county.

No. 21, H. R. file, An act to legalize the acts of George Duden, a justice of the peace;

And find the same to be correctly engrossed.

Mr. Robertson, from the committee, to whom was referred

No. 32, H. R. file, A bill to incorporate the Scott county hydraulic company;

Reported the same back to the House with amendments, namely, insert the names of James Davenport, Egbert S. Barrows and Jabez A. Burchard, jun., after the name of "Newcomb," in the third line of first section.

Also add to the 10th section the following:

Provided, That the said company shall commence the works contemplated by this act, in two years, and complete the same in ten years after the passage of the same.



Mr. Walworth moved

To amend the 10th section by striking out the amendment proposed by said committee, to said section, and inserting the following:

"Provided, That all the rights, privileges and immunities, created by this act, shall cease and be utterly void, unless the sum of dollars shall be subscribed and actually paid in, of the capital stock of said company within months from the date of this act.

Which was agreed to.

Mr. Walworth then moved

To fill the first blank with \$10,000;

Which was agreed to.

Mr. Robertson moved

To fill the second blank with 24.

Which was agreed to; when,

On motion of Mr. Robertson,

Said bill was ordered to be engrossed and read a third time on tomorrow.

The following message was then received from the Council, by their Secretary, Mr. Fales:

Mr. Speaker—The Council have passed

No. 14, C. file, An act to provide for changing the venue in civil and criminal cases;

Also, with amendments

No. 26, H. R. file, An act in relation to the safe custody of persons arrested for crimes and misdemeanors;

In which the concurrence of the House is requested.

Mr. McCulloch, from the committee on roads and highways, to whom was referred the petition of sundry citizens of Muscatine county, reported

No. 42, H. R. file, A bill to locate a Territorial road from Moscow, so as to intersect a road leading from Bloomington to Iowa City, at or near Hudson in Muscatine county;

Which was read a first time.

Mr. Lewis, from the committee to whom was referred the petition of sundry citizens of Van Buren county, reported

No. 43, H. R. file, An act to donate the public landing in the town of Bentonsport for mill purposes;

Which was read a first time.

Mr. Felkner, from the committee, to whom was referred the petition of sundry citizens of Johnson county in relation hereto, reported

No. 44, H. R. file, A bill to authorize the County Commissioners of Johnson county to vacate a part of the Territorial road, leading from Wyoming to Iowa City, also, to relocate a part of said road;

Which was read a first time.



No. 38, H. R. file, A joint resolution instructing our delegate in Congress to procure the establishment of a Post Office, &c.;

Was read a second time; and

On motion of Mr. Hepner,

The word "instruct," in the 3d line was stricken out, and the word "requested" inserted, in lieu thereof; when

On motion of Mr. Brierly,

Said resolution was ordered to be engrossed and read a third time to-morrow.

No. 39, H. R. file, A bill to amend an act entitled an act, defining crimes and punishments;

Which was read a second time; and

On motion of Mr. Mewell,

Was referred to the committee on the judiciary.

No. 40, H. R. file, An act to legalize the acts of the Sheriff of Clayton county;

Was read a second time; and,

On motion of Mr. Andros,

Was ordered to be engrossed and read a third time to-morrow.

No. 41, H. R. file, An act to legalize the acts of Cyrus Gibson, a Justice of the Peace, in and for Van Buren county;

Was read a second time; and

On motion of Mr. Lewis,

Was ordered to be engrossed and read a third time to-morrow.

No. 17, C. file, A bill relative to divorce, alimony and other purposes;

Was read a third time.

Mr. Lewis moved

To amend the 7th section, by inserting the words "issued by the Clerk of the court, where the petition is pending," after the words "pro confesso," in the 4th line of said section;

Which was agreed to.

The question then recurring upon the passage of the bill, was put;

Carried, and title agreed to.

No. 21, H. R. file, An act to legalize the acts of George Duden, a Justice of the Peace;

Was read a third time.

Mr. Jay moved

To refer said bill to the delegation from Van Buren county;

Which was lost.

The question was then taken upon the passage of the bill;

Carried, and title agreed to.

The following message was received from the Council, by Mr. Fales, their Secretary:



Mr. Speaker—The Council have passed  
No. 25, C. file, An act relative to the time of taking effect of the laws of the present session.

Also, with amendments

No. 10, H. R. file, A bill to relocate the county seat of Lee county; and

No. 28, H. R. file, An act to encourage Agriculture and Domestic Manufactures;

In all of which, the concurrence of the House is requested.

No. 31, H. R. file, A bill to establish a Territorial road in Lee county;

Was read a third time, passed, and title agreed to.

No. 35, H. R. file, A bill to relocate a part of a Territorial road leading from Davenport, in Scott county, to Marion, in Linn county;

Was read a third time, passed and title agreed to.

On motion of Mr. Jay, the consideration of  
No. 27, H. R. file, A bill to prevent and punish gaming;

Was resumed in committee of the whole, Mr. Briggs in the chair;  
After some time spent therein, the committee rose, and, by their chairman, reported progress, and asked leave to sit again;

Which was granted.

Mr. Rogers moved

That the House adjourn until to-morrow morning at 10 o'clock;

Which was lost; when,

On motion of Mr. Robertson,

The House adjourned.

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## TWO O'CLOCK, P. M.

Mr. Briggs moved

A call of the House, which was had.

The absent members appearing in their seats

On motion of Mr. Lewis,

The further call was suspended, when the consideration of

No. 27, H. R. file, A bill to prevent and punish gaming;

Was again resumed in committee of the whole, Mr. Briggs in the chair;

After some time spent therein, the committee rose and by their chairman reported the bill back to the House with an amendment; when,

On motion of Mr. Mewis,

The bill was laid upon the table subject to the order of the House.

No. 18, C. file, An act for the limitation of actions and for avoiding vexatious law suits;



Was read a first time.

Mr. McMillan moved

That fifty copies of said bill be printed;

Which was not agreed to.

Mr. Rogers then moved

That forty-five copies of said bill be printed;

Which was agreed to.

No. 24, C. file, A bill to authorize evidence by the oath of parties;

Also,

No. 25, C. file, An act relative to the time of taking effect of the laws of the present session;

Were severally read a first time.

No. 10, H. R. file, A bill to relocate the county seat of Lee county;

Being returned from the Council with sundry amendments;

Which were read and severally concurred in by the House.

No. 28, H. R. file, An act for the encouragement of Agriculture and Domestic Manufactures;

Being returned from the Council with amendments;

Which were read and severally concurred in by the House.

On motion of Mr. Felkner,

No. 33, H. R. file, A joint resolution authorizing the Territorial Agent to receive the outstanding Scrip of 1841;

Was taken from the table, and read a second time.

Mr. Hepner moved

To recommit the resolution with instructions to report a bill to dispense with the services of the Director and Superintendant of the Penitentiary; also the services of the Superintendant of public buildings at Iowa City; and so provide that it shall be the duty of the Territorial Agent to pay the debts which have occurred in the erection of the Capitol, out of the proceeds arising from the sale of lots in Iowa City.

Upon which question the yeas and nays were ordered;

Yeas 10, Nays 15.

Those who voted in the affirmative were,

Messrs. Blair,

Bunker,

Hackleman,

Hepner,

Lewis,

McMillan,

Newell,

Sales,

Wilson,

Speaker.

Those who voted in the negative were,

Messrs. Andros,

Barton,

Berry,

Brierly,

Briggs,

Culbertson,

Felkner,

Goddard,

Jay,

McCulloch,

Rogers,

Steele,

Swearingen,

Thornton,

Walworth.



So the motion was lost.

Mr. Felkner then moved  
That the resolution be engrossed and read a third time to-morrow;  
Which was agreed to:

On motion of Mr. Jay,  
The report of the committee on public buildings, relative to the  
Scrip of 1841,—as also the amendment to said report, pending at the  
time the whole subject was laid upon the table,  
Was taken up.

The chair having decided that the amendment to the report was in  
order.

Mr. Felkner moved  
An appeal from the decision of the chair;  
Which was had.  
Upon which question the yeas and nays were ordered;  
Yeas 16, Nays 9.

Those voting to sustain the chair, were,		
Messrs. Blair,	Lewis,	Steele,
Bunker,	McMillan,	Walworth,
Jay,	Sales,	Wilson.

Those voting against sustaining the decision of the chair, were,		
Messrs. Andros,	Felkner,	Robertson,
Barton,	Goddard,	Rogers,
Berry,	Hackleman,	Swearingen,
Brierly,	Hepner,	Thornton,
Briggs,	McCulloch,	
Culbertson,	Newell,	

So the decision of the chair was overruled.

Mr. Sales moved  
To lay the report on the table;  
Which was lost; when,  
On motion of Mr. Newell,  
The House adjourned until to-morrow morning at 10 o'clock.

#### THURSDAY MORNING, JANUARY 12, 1843.

The House met pursuant to adjournment.

Mr. Hackleman moved to reconsider the vote taken upon the  
passage of  
No. 17, C. file, A bill relative to divorce, alimony, and other purposes;



Which was agreed to; when,  
On motion of Mr. McMillan,

The bill was recommitted to a select committee of three.

The Chair appointed Messrs. McMillan, Hackleman and Rogers,  
said committee.

Mr. Rogers presented the petition of sundry citizens of Iowa Territory, asking the passage of a law exempting 500 sheep from execution and taxation; which,

On motion of Mr. Rogers,

Was referred to the committee on manufactures.

Mr. Felkner presented the petition of sundry citizens of Washington county, asking that a certain portion of Washington county be attached to Johnson county; which,

On motion of Mr. Felkner,

Was referred to the delegation from Washington and Johnson counties.

Mr. Jay, from the select committee of one from each electoral district, to whom was referred

No. 22, H. R. file, Memorial for a grant of land for a canal at each of the Rapids of the Mississippi;

Reported the same back to House without amendment.

Mr. Hepner moved to strike out the 8th paragraph.

Mr. Jay moved to amend the motion, so as to strike out the words  
"on the west side of each of the rapids;"

Which was lost.

The original motion was then put; and,

Upon which question the yeas and nays were ordered;

Yeas 8, Nays 16.

Those who voted in the affirmative were,

Messrs. Andros,

Briggs,

Culbertson,

Felkner,

Hackleman,

Hepner,

Rogers,

Sales.

Those who voted in the negative were,

Messrs. Barton,

Berry,

Blair,

Brierly,

Bunker,

Goddard,

Jay,

Lewis,

McCulloch,

McMillan,

Newell,

Robertson,

Steele,

Swearingen,

Thornton,

Wilson.

So the motion was lost; when,

On motion of Mr. Newell,

The memorial was ordered to be engrossed and read a third time to-morrow.



Mr. Barton, from the committee on engrossed bills, reported that they have examined,

No. 32, H. R. file, A bill to incorporate the Scott county Hydraulic company;

Also,

No. 33, H. R. file, A joint resolution authorizing the Territorial Agent to receive the outstanding scrip of 1841, &c.

And find them correctly engrossed.

Mr. Lewis, from the committee on enrolled bills, reported that they have examined

An act for the encouragement of Agriculture and Domestic Manufactures; and

An act to relocate the county seat of Lee county;

And find the same to be correctly enrolled.

Mr. Hackleman, upon previous notice and leave granted, introduced

No. 45, H. R. file, A bill to provide for assessing and collecting County and Territorial revenue;

Which was read a first time; and,

On motion of Mr. Jay,

Ordered, That fifty copies of the same be printed.

Mr. Jay, upon previous notice and leave granted, introduced

No. 46, H. R. file, A bill for the prevention of certain immoral practices;

Which was read a first time; and,

On motion of Mr. Bunker,

Fifty copies of the same was ordered to be printed.

The following message was then received from the Council, by Mr. Fales, their Secretary:

Mr. Speaker—The Council have passed

No. 26, C. file, An act to amend an act to incorporate the Washington Manufacturing Company.

No. 27, C. file, An act to change the name of McCarverstown in Henry county, to Lowell.

In all of which I am directed to ask the concurrence of the House.

I am directed to present for your signature

An act to relocate a part of a Territorial road running from Ft. Madison, in Lee county, to Fairfield, in Jefferson county.

Also,

An act to locate a Territorial road from Cascade, in Dubuque county, to the mouth of Tete de Morts, in Jackson county.

No. 24, C. file, A bill to authorize evidence by the oath of parties;

Was read a second time; and,

On motion of Mr. Rogers,

Referred to the Committee on the Judiciary.



No. 25, C. file, An act relative to the time of taking effect of the laws of the present session;

Was read a second time; when,

On motion of Mr. Rogers,

The bill was laid upon the table subject to the order of the House.

No. 43, H. R. file, An act to donate the public landing in the town of Bentonsport for mill purposes;

Was read a second time; when,

On motion of Mr. Lewis,

The same was committed to a committee of the whole House, and made the special order of the day for Monday next.

No. 44, H. R. file, A bill to authorize the County Commissioners to vacate a part of the Territorial road leading from Wyoming to Iowa City, also, to relocate a part of said road;

Which,

On motion of Mr. Lewis,

Was laid on the table.

No. 42, H. R. file, A bill to locate a Territorial road from Moscow so as to intersect a road leading from Bloomington to Iowa City, at or near Hudson, in Muscatine county;

Was read a second time; and,

On motion of Mr. Thornton,

The same was ordered to be engrossed and read a third time tomorrow.

No. 32, H. R. file, A bill to incorporate the Scott County Hydraulic Company; was read a third time,

And on the question, shall the bill pass?

The yeas and nays were ordered;

Yeas 15, Nays 9.

Those who voted in the affirmative were,

Messrs. Barton,

Blair,

Brierly,

Bunker,

Goddard,

Jay,

Lewis,

Newell,

Robertson,

Sales,

Steele,

Swearingen,

Thornton.

Walworth,

Wilson.

Those who voted in the negative were,

Messrs. Andros,

Berry,

Briggs,

Culbertson,

Felkner,

Hackleman,

Hepner,

McMillan,

Rogers,

So the bill passed and the title was agreed to.

No. 33, H. R. file, A joint resolution authorizing the Territorial Agent to receive the outstanding scrip of 1841;

Was read a third time; when,



On motion of Mr. Walworth,  
The resolution was laid upon the table, subject to the order of the House.

No. 34, H. R. file, A bill for the relief of Walter Butler;  
Being the order of the day, was considered in committee of the whole,  
Mr. Felklner in the chair; and,

After some time spent therein, the committee rose, and by their chairman reported the same back to the House without amendment, and asked leave to sit again; which was granted.

Mr. Walworth moved to take from the table,  
No. 2, H. R. file, A bill to repeal an act, entitled an act, relative to officers of the Legislative Assembly;

Which was agreed to; and,

On motion of Mr. Walworth,

The same was referred to a select committee of three; and,

The Chair appointed Messrs. Walworth, Lewis and Hepner, said committee.

Mr. Thornton, on previous notice and leave granted, introduced  
No. 47, H. R. file, A bill to allow George Bumgardner and others further time to file in the Secretary's office, a plat of a survey of a certain Territorial road;

Which was read a first time.

Mr. Bunker moved to take from the table,

No. 20, C. file, A bill to change the time of holding the district court in the second judicial district;

Which was agreed to.

Mr. Bunker offered the following amendment as an additional section:

SEC. 3. This act shall take effect and be in force from and after its passage.

Which was adopted; and the bill,

On motion of Mr. Bunker,

Ordered to a third reading to-morrow.

On motion of Mr. Sales,

The House adjourned until to-morrow morning at 10 o'clock.



FRIDAY MORNING, JANUARY 13, 1848.

The House met pursuant to adjournment.

On motion of Mr. Hackleman,

Leave of absence was granted to Mr. Robertson.

Mr. Thornton gave notice that he would, on some future day, ask leave to introduce a bill for the relief of Denton J. Snyder, Sheriff of Muscatine county.

Mr. McMillan, from the select committee, to whom was referred No. 17, C. file, A bill relative to divorce, alimony and other purposes;

Reported the same back to the House with the following amendment:

Strike out the words "one year," in the second line of the 3d section, and insert "six months."

Mr. Barton, from the committee on engrossed bills, reported that they had examined,

No. 41, H. R. file, An act to legalize the acts of Cyrus Gibson, a Justice of the Peace, in and for Van Buren county.

No. 40, H. R. file, An act to legalize the acts of the Sheriff of Clayton county.

No. 22, H. R. file, A memorial for a grant of land for a canal at each of the Rapids of the Mississippi.

No. 38, H. R. file, A joint resolution requesting our Delegate in Congress to procure the establishment of a post office, and for other purposes.

No. 42, H. R. file, A bill to locate a Territorial road from Moscow, so as to intersect a road leading from Bloomington to Iowa City, at or near Hudson in Muscatine county;

And find the same to be correctly engrossed.

Mr. Walworth, from the select committee, to whom was referred

No. 2, H. R. file, A bill to repeal an act entitled an act, relative to officers of the Legislative Assembly;

Reported the same back to the House with an amendment.

Mr. Lewis, from the committee on revision, reported

No. 48, H. R. file, A bill providing for and regulating general elections in this Territory;

Which,

On motion of McMillan,

Was read a first time by its title; and,



On motion of Mr. McMillan,  
Fifty copies of the same was ordered to be printed.

No. 47, H. R. file, A bill to allow George Bumgardner and others further time, to file in the Secretary's office a plat of a survey of certain Territorial road;

Which was read a second time; and,

On motion of Mr. Lewis,  
Ordered to be engrossed and read a third time to-morrow.

No. 18, C. file, A bill for the limitation of actions and for avoiding vexatious law suits;

Was read a second time; and,

On motion of Mr. Rogers,  
The same was ordered to lie on the table.

No. 20, C. file, An act to change the time of holding the district court in the second judicial district;

Was read a third time, passed and title agreed to.

No. 22, H. R. file, Memorial for a grant of land for a canal at each of the rapids of the Mississippi;

Was read a third time.

Mr. Walworth moved to refer the same to a select committee.

Upon which the yeas and nays were ordered;

Yeas 15; Nays 10.

Those who voted in the affirmative were,

Messrs. Andros,

Berry,

Briggs,

Bunker,

Culbertson,

Felkner,

Goddard,

Hackleman,

Hepner,

Jay,

McMillan,

Rogers.

Sales,

Walworth,

Speaker.

Those who voted in the negative were,

Messrs. Barton,

Blair,

Brierly,

Lewis,

McCulloch,

Newell,

Steele,

Swearingen,

Thornton,

Wilson.

So the motion was agreed to.

The Chair appointed Messrs. Walworth, Brierly and Goddard, said committee.

No. 38, H. R. file, A joint resolution requesting our Delegate in Congress to procure the establishment of a post office, and for other purposes;

Was read a third time; and,

On motion of Mr. Brierly,

Was referred to the delegation from Lee county.



No. 40, H. R. file, An act to legalize the acts of the Sheriff of Clayton county;

Was read a third time, passed and title agreed to.

No. 41, H. R. file, An act to legalize the acts of Cyrus Gibson a Justice of the Peace, of Van Buren county;

Was read a third time; and,

On motion of Mr. Lewis,

Was referred to a select committee.

The Chair appointed Messrs. Lewis, McMillan and Hepner, said committee.

No. 42, H. R. file, A bill to locate a Territorial road from Moscow, so as to intersect a road leading from Bloomington to Iowa City, at or near Hudson in Muscatine county;

Was read a third time, passed and title agreed to.

No. 25, H. R. file, A bill organizing a Board of County Commissioners in each county in the Territory of Iowa;

Being the order of the day, the House resolved itself into committee of the whole for the consideration of the same, Mr. Goddard in the chair; and,

After some time spent therein, the committee rose, and by their chairman reported progress, and asked leave to sit again;

Which was granted.

The following message was then received from the Council, by their Secretary, Mr. Fales:

Mr. Speaker—The Council have passed

No. 16, C. file, An act regulating interest on money.

In which the concurrence of the House is requested.

Mr. Walworth, from the select committee, to whom was referred

No. 22, H. R. file, Memorial for a grant of land for a canal at each of the rapids of the Mississippi;

Reported the same back to the House with the following amendments:

Strike out the words "on the west side of," after the word "canal" in the 8th section, and insert "around" in lieu thereof; also the following amendment to the 10th section:

Resolved, That his Excellency, Governor Chambers be requested to transmit a copy of this memorial to the Speaker of the House of Representatives of the State of Illinois, also to the Speaker of the House of Representatives of the State of Missouri, requesting the co-operation of the several Legislatures of those States, in the objects set forth in the memorial, also a copy to the Hon. A. C. Dodge, our Delegate in Congress.

The question being upon the first amendment, a division of the question was had;



The question was then put upon striking out the words "on the west side of," and agreed to.

The question on inserting the word "around," was then put and agreed to.

The question was then taken upon the amendment to the 10th section, and agreed to; when,

On motion of Mr. Walworth,

The 42d rule was suspended, and the memorial was read a third time now.

And on the question, shall the memorial pass?

The yeas and nays were ordered;

Yeas 19; Nays 6.

Those who voted in the affirmative were,

Messrs. Berry,

Blair,

Brierly,

Briggs,

Bunker,

Culbertson,

Felkner,

Goddard,

Hackleman,

Jay,

Lewis,

McCulloch,

McMillan,

Newell,

Steele,

Swearingen,

Thornton,

Walworth,

Wilson.

Those who voted in the negative were,

Messrs. Andros,

Barton,

Hepner,

Rogers,

Sales,

Speaker.

So the memorial passed.

Mr. Walworth then moved to amend the title, by striking out the words "a grant of land," and inserting the words "an appropriation;"

Which was agreed to;

And the title as amended, agreed to; when,

On motion of Mr. Wilson,

The House adjourned.

## TWO O'CLOCK, P. M.

No. 34, H. R. file, A bill for the relief of Walter Butler;

Being the order of the day, was considered in committee of the whole, Mr. Hackleman in the chair; and

After some time spent therein, the committee rose, and by their chairman reported the same back to the House without amendment;

When,

On motion of Mr. Wilson,

The same was referred to the committee on claims.



No. 14, C. file, An act to provide for changing the venue in civil and criminal cases;

Which was read a first time.

No. 26, H. R. file, An act in relation to the safe custody of persons arrested for crimes and misdemeanors;

Being returned from the Council with amendments;

Which were severally read and concurred in.

No. 26, C. file, An act to amend an act to incorporate the Washington Manufacturing Company;

Was read a first time.

No. 16, C. file, An act regulating interest on money;

Was read a first time.

No. 17, C. file, A bill relative to divorce, alimony, and other purposes;

Being reported back to the House by the select select committee, to whom the same was referred, with an amendment;

Which was read and concurred in.

No. 2, H. R. file, An act to repeal an act, relative to officers of the Legislative Assembly;

Being reported back to the House by the committee to whom the same was referred, amended by striking out all after the first section;

Which amendment was concurred in by the House.

Mr. Walworth moved

To suspend the 42d rule and read the bill a third time now;

Which was lost.

Mr. Walworth then moved

That the bill be engrossed and read a third time to-morrow; which was agreed to,

On motion of Mr. McMillan,

No. 17, C. file, A bill relative to divorce, alimony, and other purposes;

Was taken up,

The 42d rule suspended, and the bill read a third time, passed and title agreed to.

On motion of Mr. Felkner,

No. 44, H. R. file, A bill to authorize the County Commissioners of Johnson county to vacate a part of the Territorial road leading from Wyoming to Iowa City, also, to relocate a part of said road;

Was ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Hackleman,

The House adjourned.



SATURDAY MORNING, JANUARY 14, 1843.

The House met pursuant to adjournment.

Mr. Wilson on previous notice and leave granted, introduced No. 49, H. R. file, A joint resolution for the removal of the seat of government to Mt. Pleasant;

Which was read a first time.

Mr. Thornton presented the petition of sundry citizens of Muscatine, asking that a certain ferry charter may be renewed; which

On motion of Mr. Thornton

Was referred to the select committee to whom was referred a similar petition.

Mr. Barton, from the committee on engrossed bills, reported that they had examined

No. 44, H. R. file, A bill to authorize the County Commissioners of Johnson county, to vacate a part of a Territorial road leading from Wyoming to Iowa City, also to relocate a part of said road.

No. 47, H. R. file, A bill to allow George Bumgardner and others, further time to file in the Secretarys office, a plat of a survey of a certain Territorial road.

No. 2, H. R. file, An act to repeal an act relative to officers of the Legislative assembly.

And find the same to be correctly engrossed.

Mr. Brierly from the committee to whom was referred

No. 38, H. R. file, A joint resolution requesting our delegate in Congress to procure the establishment of a Post Office, and for other purposes;

Reported the same back to the House with the following amendment:

"Also, to have a mail route established from Keokuk to the town of Farmington, in Van Buren county, and one from Keokuk to Fairfield, in Jefferson county; also to have the mail carried by water from the city of Saint Louis to Keokuk, during the navigable seasons of the year."

Mr. Wilson from the select committee to whom was referred the petition of sundry citizens of Henry county, in relation hereinto; reported

No. 50, H. R. file, A bill to relocate a certain Territorial road;

Which was read a first time.

No. 14, C. file, An act to provide for changing the venue in civil and criminal cases;

Was read a second time; and



On motion of Mr. Wilson,  
Made the order of the day for Monday next, in committee of the whole.

No. 16, C. file, An act regulating interest on money;  
Was read a second time; and,  
On motion of Mr. Sales,  
Made the order of the day in committee of the whole, for Tuesday next.

No. 26, C. file, An act to amend an act to incorporate the Washington Manufacturing company;  
Was read a second time.

Mr. Berry moved

To refer said bill to the committee on the judiciary, with instructions to report to this House "information relative to the right of this Legislature to grant charters, to dam, or obstruct navigable streams within this Territory."

Mr. Lewis moved

To lay said motion on the table;  
Which was agreed to.

Mr. Walworth moved

To take up said motion;

Which was agreed to; when,

On motion of Mr. Walworth

The bill was referred to the judiciary committee.

No. 27, C. file, An act to change the name of McCarverstown, in Henry county, to Lowell;

Was read a second time; and,

On motion of Mr. McMillan,

Ordered to be read a third time on Monday next.

No. 46, H. R. file, A bill for the prevention of certain immoral practices;

Was read a second time; and

On motion of Mr. Jay

Made the order of the day in committee of the whole for Thursday next;

No. 25, H. R. file, A bill organizing a board of County Commissioners in each county in the Territory of Iowa;

Was resumed in committee of the whole, Mr. Hackleman in the chair; and

After some time spent in considering the same, the committee rose and by their chairman reported the same back to the House with sundry amendments; when,

On motion of Mr. Rogers,

Said bill was ordered to lie on the table.



The following message was received from the Council, by their Secretary, Mr. Fales:

Mr. Speaker—The Council have passed  
No. 31, C. file, An act to incorporate the Episcopal Church of  
Bloomington

In which the concurrence of the House is requested.

Mr. Thornton on previous notice and leave granted, introduced  
No. 51, H. R. file, A bill for the relief of Denton J. Snyder;

Which was read a first time.

No. 2, H. R. file, An act to repeal an act relative to officers of the  
Legislative assembly;

Was read a third time.

Mr. Lewis offered the following amendment:

Sec. 2. The Seargent at Arms, Messenger and Fireman, shall  
be allowed out of the appropriation for defraying the expenses of the  
present Legislative Assembly, three dollars per day, during the present  
session.

Which was lost.

The question then recurring upon the passage of the bill, was put,  
Carried and title agreed to.

No. 44, H. R. file, An act to authorize the County Commissioners of  
Johnson county to vacate a part of the Territorial road, leading from  
Wyoming to Iowa City, also, to relocate a part of said road;

Was read a third time, passed and title agreed to.

No. 47, H. R. file, An act to allow George Bumgardner and others,  
further time to file in the Secretary's office, a plat of a survey of a cer-  
tain Territorial road;

Was read a third time, passed and title agreed to.

Mr. Newell moved

To adjourn;

Which was lost; when,

On motion of Mr. Lewis,

The House adjourned until Monday morning at 10 o'clock,

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#### MONDAY MORNING, JANUARY 16, 1843.

The House met pursuant to adjournment.

Mr. Andros presented the petition of sundry citizens of Dubuque



asking that certain privileges be granted to the Miners' Bank of Dubuque; which,

On motion of Mr. Rogers,

Was referred to the delegation from Clayton and Dubuque.

Mr. Jay presented the petition of sundry citizens of Henry county, asking the relocation of a certain Territorial road; which,

On motion of Mr. Jay

Was referred to the delegation from Henry county.

Mr. Rogers, from the committee on the Judiciary, to whom was referred

No. 6, C. file, A bill to repeal an act, entitled an act, relating to auctioneers and auction sales, approved January 17th, 1840;

Also,

No. 5, C. file, An act to prohibit and punish the sale of intoxicating liquors to Indians;

Reported them back to the House without amendment;

Also,

No. 8, C. file, Joint resolution instructing our Delegate in Congress to procure an amendment to the Organic law;

With amendments.

Mr. Hepner from the committee on the Judiciary to whom was referred

No. 36, H. R. file, A bill to authorize Isaac R. Campbell and company to construct a dam across the Des Moines river;

Also,

No. 26, C. file, An act to amend an act to incorporate the Washington Manufacturing Company.

With instructions to report to the House information relative to the right of the Legislature to grant charters to dam, or obstruct the navigation of navigable streams, within the Territory;

Submit the following report:

That the 4th article of the ordinance of 1787, passed for the government of the North Western Territory, declares the navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same shall be common highways, and forever free as well to the inhabitants of the Territory as to the citizens of the United States, and those of any other States that may be admitted into the confederacy without any tax, impost, or duty therefor.

The 12th section of the Organic Law extends the obligation and observance of the above cited article, to this Territory, and is as binding on the Legislature of Iowa, as it ever was on any Legislature in the North Western Territory.

The acts of Congress of the 18th of May, 1817; 3d of March, 1803; and 26th of March, 1804, establish that the navigable rivers and streams through the domains of the United States, shall be and remain public highways, and that streams not navigable, having the opposite



banks owned by different persons, shall have their beds and waters common to both.

From the authorities above cited, your committee are clearly of the opinion that the Legislature is not authorized to grant any person the privilege to obstruct the navigation of any stream, the bed of which has not been surveyed and sold as so much land. And, if it has been sold, the purchaser has a right to use it as he pleases: Provided, he does not infringe on the rights of others in so doing.

Your committee therefore, asked to be discharged from the further consideration of the subject.

Mr. Lewis gave notice that he would at some future day submit a counter report.

Mr. McMillan from the committee on the judiciary, to whom was referred

No. 21, C. file, An act relating to the office of Recorder of Deeds;

Recommend to the House the adoption of the following proviso to the same:

Provided, That in all cases where the Recorder of any county, shall absent himself from the county in which he is Recorder, for the term of six months, said office shall be deemed vacant.

No. 49, H. R. file, A joint resolution for the removal of the seat of government to Mount Pleasant.

Was read a second time; and,

On motion of Mr. Wilson,

Committed to a committee of the whole House, and made the order of the day for Saturday next.

No. 50, H. R. file, A bill to relocate a certain Territorial road;

Was read a second time, and,

On motion of Mr. Wilson,

Ordered to be engrossed and read a third time to-morrow.

No. 51, H. R. file, A bill for the relief of Denton J. Snyder;

Was read a second time; and,

On motion of Mr. Lewis,

Ordered to be engrossed and read a third time to-morrow.

No. 45, H. R. file, A bill to provide for assessing and collecting County and Territorial revenue;

Was read a second time; and,

On motion of Mr. Wilson,

Committed to a committee of the whole House, and made the order of the day for Friday next.

No. 27, C. file, An act to change the name of McCarverstown in Henry county, to Lowell; and,

No. 30, H. R. file, A bill to amend an act to incorporate the city of Dubuque.



Were severally read a third time, passed and titles agreed to.

On motion of Mr. McMillan,

The report of the judiciary committee, upon  
No. 21, C. file, An act relating to the office of Recorder of Deeds;  
Was taken up, and the amendment concurred in; when,

On motion of Mr. McMillan,

The amendment was ordered to be engrossed and with the bill read  
a third time to-morrow.

No. 43, H. R. file, An act to donate the public landing in the town  
of Bentonsport for mill purposes;

Being the order of the day, was read, and

On motion of Mr. Walworth,

Referred to the judiciary committee.

No. 14, C. file, An act to provide for changing the venue in civil  
and criminal cases;

Being the order of the day, was considered in committee of the  
whole, Mr. Jay in the chair;

After some time spent therein, the committee rose, and, by their  
chairman, reported the same back to the House without amendment;

When,

On motion of Mr. McMillan,

The bill was ordered to a third reading to-morrow.

No. 31, C. file, An act to incorporate the Methodist Episcopal  
Church at Bloomington;

Was read a first time.

No. 8, C. file, Joint resolution instructing our delegate in Congress  
to procure an amendment to the Organic Law;

Being reported from the judiciary committee with the following  
amendments:

Strike out "instructed" in the fourth line, and insert "requested."  
Strike out after the word "of" in the seventh line all to the word  
"clerks" in the eighth line, insert "Iowa, to elect the Governor, Secre-  
tary and;"

Which were concurred in; when,

Mr. Walworth moved

The following amendment: "Also, so as to extend the jurisdiction of  
Justices of the Peace, to one hundred dollars;"

Which was agreed to; when,

On motion of Mr. Jay,

The resolution was ordered to a third reading to-morrow.

The following message was then received from the Council, by Mr.  
Fales, their Secretary:

Mr. Speaker—The Council have passed without amendment



No. 35, H. R. file, A bill to relocate a part of a Territorial road leading from Davenport in Scott county, to Marion in Linn county;

No. 38, H. R. file, A joint resolution requesting our delegate in Congress to procure the establishment of a Post Office, and for other purposes;

Being reported back by the select committee, (to whom the same was referred) with sundry amendments;

Which was read; when,

On motion of Mr. Lewis,

The amendments were amended, by inserting the words "via Winchester, in Van Buren county;"

Which was agreed to.

And the amendment as amended concurred in; when,

On motion of Mr. McMillan,

The same was laid upon the table.

On motion of Mr. Wilson,

The House adjourned until to-morrow morning at 10 o'clock.

#### TUESDAY MORNING, JANUARY 17, 1843.

The House met pursuant to adjournment.

Mr. Steele presented the petition of sundry citizens of Lee county, asking that a charter be granted to Ovid Grinnell and others to construct a dam; which,

On motion of Mr. Steele,

Was laid on the table.

Mr. Goddard, on previous notice and leave granted, introduced, No. 52, H. R. file, A bill to prevent damage by the firing of prairies;

Which was read a first time by its title; and,

On motion of Mr. Andros,

Forty copies of the same was ordered to be printed.

Mr. Jay, from the committee, to whom was referred the petition of sundry citizens of Henry county, in relation hereto, reported,

No. 53, H. R. file, A bill to relocate a part of a certain Territorial road in Henry county;

Which was read a first time.

Mr. Barton, from the committee on engrossed bills, reported that they had examined,



No. 51, H. R. file, A bill for the relief of Denton J. Snyder;

Also,

No. 50, H. R. file, A bill to relocate a certain Territorial road;

And find the same to be correctly engrossed.

Mr. Wilson, from the committee on township and county boundaries, to whom was referred a resolution, instructing them to enquire into the expediency of organizing into counties prospectively, the country included within the limits of the ideal line to be established between the Sac and Fox Indians, reported,

No. 54, H. R. file, A bill to attach the late purchase to certain counties for Judicial purposes;

Which was read a first time.

Mr. Lewis, from the committee on enrolled bills, reported that they had examined,

No. 26, H. R. file, An act in relation to the safe custody of persons arrested for crimes and misdemeanors;

No. 35, H. R. file, An act to relocate a part of a Territorial road, leading from Davenport, in Scott county, to Marion, in Linn county.

And find the same to be correctly enrolled.

No. 31, C. file, An act to incorporate the Methodist Episcopal Church at Bloomington;

Was read a second time; and,

On motion of Mr. Hepner,

The consideration of the same was indefinitely postponed.

No. 5, C. file, An act to prohibit and punish the sale of intoxicating liquors to Indians;

Was read a third time, passed, and title agreed to.

No. 6, C. file, An act to repeal an act entitled an act relating to auctioneers and auction sales, approved January 17th, 1840.

Was read a third time, passed and title agreed to.

No. 8, C. file, Joint resolution instructing our Delegate in Congress to procure an amendment to the Organic law;

Was read a third time; and,

On motion of Mr. Walworth,

Referred to a select committee of three.

The Chair appointed Messrs. Walworth, Hepner and Sales, said committee.

No. 14, C. file, An act to provide for changing the venue in civil and criminal cases;

Was read a third time; and,

On motion of Mr. Barton,

Was referred to the committee on the judiciary,

With instructions to enquire into the expediency of amending the 11th section.



No. 21, C. file, An act relating to the office of Recorder of Deeds.  
Was read a third time, passed and title agreed to.

No. 16, C. file, An act regulating interest on money;  
Being the order of the day, the House resolved itself into committee  
of the whole, Mr. Lewis in the chair; and,

After some time spent in consideration of the same, the committee  
rose, and, by their chairman, reported the same back to the House  
without amendment;

Mr. Rogers moved

That fifty copies of the same be printed; and,  
That the bill be referred to the committee on the Judiciary;  
Which was agreed to.

No. 50, H. R. file, A bill to relocate a certain Territorial road;  
Was read a third time, passed and title agreed to.

No. 51, H. R. file, A bill for the relief of Denton J. Snyder;  
Was read a third time, passed and title agreed to.

The following message was received from the Council, by Mr. Fales,  
their Secretary:

Mr. Speaker—The Council have passed

No. 19, H. R. file, An act to relocate a part of a Territorial road  
in Henry county;

No. 32, H. R. file, An act to incorporate the Scott county hydraulic  
company;

Also, with amendments

No. 31, H. R. file, An act to establish a Territorial road in Lee county.

The Council have also passed,

No. 15, C. file, An act defining the duties of County Surveyors.

In which I am directed to ask the concurrence of the House.

No. 31, H. R. file, Being returned from the Council with the follow-  
ing amendment: Strike out the words "of one years standing" in the  
second section; which was read and concurred in.

No. 15, C. file, An act defining the duties of County Surveyors;  
Was read a first time.

Mr. Rogers moved to take from the table,

No. 27, H. R. file, A bill to prevent and punish gaming;  
Which was agreed to; when,

On motion of Mr. Rogers,

The House resolved itself into committee of the whole, Mr. Mc-  
Culloch in the Chair; and,

After some time spent therein, the committee rose, and, by their  
chairman, reported progress, and asked leave to sit again;

Which was granted; when,

On motion of Mr. Lewis,

The House adjourned until to-morrow morning at 10 o'clock.



WEDNESDAY MORNING, JANUARY 18, 1843.

The House met pursuant to adjournment.

Mr. Andros presented the petition of Hester Ann Campbell, asking a divorce from her husband, Robert Campbell; which,

On motion of Mr. Andros,

Was laid on the table.

Mr. Newell presented the petition of sundry citizens of Louisa county, asking that a valuation or stay law, may be passed at this session of the Legislature; which,

On motion of Mr. Newell,

Was referred to the committee on revision.

Mr. Barton presented the petition of sundry citizens of Farmington, Van Buren county, asking an amendment to their town charter; which,

On motion of Mr. Barton,

Was referred to the Delegation from Van Buren county.

Mr. Walworth presented the petition of sundry citizens of Makokete, asking that a new county be set off to comprise sundry townships from the counties of Dubuque, Delaware, Jackson and Jones; which,

On motion of Mr. Walworth,

Was referred to the committee on township and county boundaries.

Mr. Felkner presented the petition of George Andrews asking relief from certain liabilities, which,

On motion of Mr. Felkner,

Was referred to the committee on Territorial Affairs.

Mr. Bunker gave notice that he would, on some future day, ask leave to introduce a bill to legalize the location of a certain Territorial road.

Mr. Lewis submitted the following,

The minority of the committee to whom was referred

A bill to authorize Isaac R. Campbell, & Co., to construct a dam across the Des Moines river;

Also,

An act to amend an act to incorporate the Washington Manufacturing Company;

Ask leave to submit the following minority report:

The Des Moines and Cedar rivers must be regarded as connecting the interior of Iowa with the Mississippi; that those rivers in their unimproved condition, cannot be of much utility to the people of Iowa.



but a small portion of the year; the water being insufficient to float either steam or flat boats. But that said rivers are susceptible of being made navigable for boats of ordinary burthen, with but little expense compared with the great advantage it would be to the interior of the country must be evident to all, and that the policy of giving individuals the right to construct dams across said rivers with good and sufficient locks and gates, for the passage of all boats, &c., at proper places, is a system of improvement already commenced on the Des Moines river; a policy which, if fostered, will finally make that river navigable for the most of the year. The right to construct dams across said rivers, with good locks and gates to pass all boats, water crafts, &c., free of tax, would not be in violation of the ordinance of 1787, as this minority of the committee believe.

Mr. Hepner presented the petition of sundry citizens of Franklin township, Des Moines county, asking that a stay or valuation law be passed at the present session of the Legislature; which,

On motion of Mr. Hepner,  
Was laid on the table.

Mr. Hepner presented the petition of sundry citizens of Franklin township, Des Moines county, asking a change in the present mode of assessing and collecting the county revenue; which,

On motion of Mr. Hepner,  
Was laid on the table.

The following message was received from the Council, by their Secretary, Mr. Fales:

Mr. Speaker—The Council have passed with an amendment No. 2, H. R. file, An act to repeal an act relative to officers of the Legislative Assembly;

The Council have also passed No. 40, H. R. file, An act to legalize the acts of the Sheriff of Clayton county;

No. 42, H. R. file, An act to relocate a Territorial road from Moscow so as to intersect a road leading from Bloomington to Iowa City, at or near Hudson, in Muscatine county;

No. 12, C. file, An act to locate a Territorial road from Jonathan H. Jenkins, in Linn county, to the city of Dubuque.

No. 30, C. file, An act to establish a Seminary of learning at Grandview, in Louisa county;

In which the concurrence of the House is requested.

I herewith present for your signature

An act relative to divorce, alimony, and other purposes;

Which was then signed by the Speaker of the House of Representatives.

Mr. Felkner on leave being granted introduced



No. 55, A joint resolution for the relief of George Andrews;  
Which was read a first time.

Mr. Felkner moved

To suspend the 42d rule, and that the joint resolution be read a second time now;

Upon which motion the yeas and nays were ordered;

Yeas 20; Nays 4.

Those who voted in the affirmative were,

Messrs. Andros,	Felkner,	Sales,
Barton,	Goddard,	Steele,
Brierly,	Jay,	Swearingen,
Blair,	McCulloch,	Thornton,
Briggs,	McMillan,	Wilson,
Bunker,	Newell,	Speaker.
Culbertson,	Rogers,	

Those who voted in the negative were,

Messrs. Berry,	Hepner,
Hackleman,	Lewis.

So the motion to suspend was agreed to,

And the resolution read a second time; and

On motion of Mr. Felkner,

Referred to the committee on Territorial affairs.

Mr. Sales, on previous notice and leave granted, introduced

No. 56, H. R. file, A bill relative to mechanics liens, and for other purposes;

Which was read a first time; when,

On motion of Mr. Rogers,

Fifty copies of the same was ordered to be printed.

Mr. Walworth from the committee to whom was referred

A joint resolution providing for the introduction of a bill to establish the permanent price hereafter to be allowed for the Public Printing in this Territory, with instructions to send for persons and papers, examine witnesses, &c.;

Have had the same under consideration, and would respectfully submit the following report and bill:

Your committee have examined the prices allowed by Congress and the adjoining States, and find them to be less than one half of the price which has been formerly paid by this Territory. The subject of printing like all other arts, is understood only by those familiar with its technicalities. Your committee therefore regard the high prices heretofore allowed by this Territory, as in some measure the result of a want of proper information. Therefore, with the view of presenting information which may be relied upon, your committee have examined the following witnesses under oath, viz: James Grant, James Clark, John H. McKinney and William Crum. All of whom agree in esti-



matings the principal items of the first cost of Printing, which are as follows, viz:

Prices paid to Journeymen for composition 40 cents per 1000 ems.

For press-work 40 cents per token of 250 impressions.

For rule and figure-work, double those prices.

The witnesses differ some little in estimating the incidental expenses of the Printer, prices of paper, &c.; also in regard to the profits which should be allowed to the Printer. Your committee in estimating the latter, have been governed by the testimony of Messrs. Grant and Clarke, as they were presumed to be entirely disinterested.

Mr. Clarke testified that he was a practical Printer; had been engaged in public printing in Pennsylvania, Wisconsin and in this Territory, and that he had never known less charged than double the amount paid to the Journeymen, which would be according to the prices paid to the Journeymen in this city—eighty cents per thousand ems for composition, and eighty cents per token for press-work. But said that he was of the opinion that in this city, considering all the disadvantages under which the Printers here labor, that one dollar per thousand ems, and one dollar per token for press-work, would not be too much.

Your committee, though unwilling to lavish the public money in wasteful extravagance, are desirous of awarding to the mechanic a liberal compensation for his labor, and have, therefore, recommended in the accompanying bill the highest prices proposed by Mr. Clarke, viz: one dollar per thousand ems and one dollar per token, &c., which prices, though liberal, will on comparison be seen to be a reduction of about one half from prices heretofore allowed.

The following is the title of the accompanying bill:

No. 57, H. R. file, A bill for establishing the prices of the public printing;

Which was read a first time; when,

On motion of Mr. Andros,

Fifty copies of said report and bill were ordered to be printed.

Mr. Newell gave notice that he would, on some future day, ask leave to introduce a bill to legalize the location of certain Territorial roads therein named.

No. 53, H. R. file, A bill to relocate a part of a certain Territorial road in Henry county;

Was read a second time; and,

On motion of Mr. Wilson,

Ordered to be engrossed and read a third time to-morrow.

No. 54, H. R. file, A bill to attach the late purchase to certain counties for judicial purposes;

Was read a second time.

Mr. Rogers moved to lay said bill on the table.

Which was lost; when,



On motion of Mr. Wilson,

The same was referred to the committee on township and county boundaries.

No. 15, C. file, An act defining the duties of County Surveyors;

Was read a second time; and,

On motion of Mr. Rogers,

The same was laid on the table.

No. 48, H. R. file, A bill providing for and regulating general elections in this Territory;

Was read a second time; and

On motion of Mr. Newell,

Committed to the committee of the whole House, and made the order of the day for Monday next.

No. 27, H. R. file, A bill to prevent and punish gaming;

Being the order of the day was resumed in committee of the whole, Mr. McCulloch in the chair; and,

After some time spent in considering the same, the committee rose and by their chairman reported the same back to the House with amendments; when,

On motion of Mr. Walworth,

Said bill was laid on the table subject to the order of the House.

The following message was then received from the Council, by their Secretary, Mr. Fales:

Mr. Speaker—The Council have passed

No. 21, H. R. file, An act to legalize the acts of George Duden, a justice of the peace.

No. 44, H. R. file, An act to authorize the County Commissioners of Johnson county, to vacate a part of a Territorial road leading from Wyoming to Iowa City, also to relocate a part of said road.

No. 47, H. R. file, An act to allow George Bumgardner and others further time to file in the Secretary's office, a plat of a survey of a certain Territorial road.

Also,

No. 29, C. file, An act to legalize the acts of Jacob Mintun, a justice of the peace.

No. 32, C. file, A joint resolution asking an appropriation to defray the expenses of a treaty with the Pottawatamie, Chippewa and Ottawa Indians.

In which the concurrence of the House is requested.

I am directed to present for your signature

An act to change the name of McCarverstown, in Henry county, to Lowell;

Which was signed by the Speaker of the House.

Mr. Walworth moved

To reconsider the vote taken upon printing,



No. 57, H. R. file, A bill to establish the prices for public printing; and the report accompanying the same which was had; when,

On motion of Mr. Walworth,

Fifty copies of said bill was ordered to be printed.

The question was then taken upon printing the report, and lost;

When,

On motion of Mr. Hepner,

The House adjourned.

---

TWO O'CLOCK, P. M.

No. 2, H. R. file, An act to repeal an act, entitled an act, relative to officers of the Legislative Assembly;

Being returned from the Council with amendment,

The question upon concurring in the same was put and agreed to.

No. 12, C file, An act to locate a Territorial road from Jonathan H. Jenkins in Linn county, to the city of Dubuque;

Was read a first time.

No. 30, C. file, An act to establish a seminary of learning at Grand View in Louisa county;

Was read a first time.

No. 29, C. file, An act to legalize the acts of Jacob Mintun, a justice of the peace;

Was read a first time.

No. 32, C. file, A joint resolution, asking an appropriation to defray the expenses of a treaty with the Pottawatamie, Chippewa and Ottawa Indians;

Was read a first time.

Mr. McCulloch moved to take from the table,

No. 38, H. R. file, A joint resolution requesting our Delegate in Congress to procure the establishment of a post office, and for other purposes;

Which was agreed to; when,

On motion of Mr. McCulloch,

The same was ordered to be engrossed and read a third time to-morrow.

Mr. Walworth moved to take from the table,

No. 2, C. file, An act to regulate the mode of petitioning the Legislative Assembly in certain cases;

Which was agreed to.



Mr. Andros moved a call of the House, which was had;

The absent members appearing in their seats;

On motion of Mr. McCulloch,

The further call was dispensed with; when,

On motion of Mr. Walworth,

Said bill was considered in committee of the whole, Mr. McMillan in the chair; and,

After some time spent therein, the committee rose and by their chairman reported the same back to the House without amendment; when,

On motion of Mr. Walworth,

The bill was referred to a select committee consisting of one from each judicial district; and,

The Chair appointed Messrs. Walworth, Felkner and Hepner, said committee.

On motion of Mr. Hepner,

No. 26, C. file, An act to amend an act to incorporate the Washington Manufacturing company.

No. 36, H. R. file, A bill to authorize Isaac R. Campbell and company to construct a dam across the Des Moines river.

As also, the majority and minority reports of the Judiciary committee in relation thereto, to whom said bills were referred;

Were taken up, said reports being read;

Mr. Hepner moved the indefinite postponement of

No. 36, H. R. file, as above;

On which question the yeas and nays were ordered;

Yeas 11, Nays 14.

Those who voted in the affirmative were,

Messrs. Andros,

Berry,

Blair,

Briggs,

Culbertson,

Felkner,

Hackleman,

Hepner,

McMillan,

Rogers,

Speaker.

Those who voted in the negative were,

Messrs. Barton,

Brierly,

Bunker,

Goddard,

Jay,

Lewis,

McCulloch,

Newell,

Sales,

Steele,

Swearingen,

Thornton,

Walworth,

Wilson.

So the motion was lost; when,

On motion of Mr. Brierly,

The bill was ordered to be engrossed and read a third time on tomorrow.

On motion of Mr. Walworth,

No. 26, C. file, An act to amend an act, to incorporate the Washington Manufacturing Company;

Was laid upon the table.



Mr. Walworth, from the select committee, to whom was referred No. 8, C. file, Joint resolution instructing our Delegate in Congress to procure an amendment to the Organic Law;

Reported the same back to the House with the following amendment:

Also to procure an amendment to an act entitled an act to provide for the settlement of certain accounts for the support of government in the Territory of Wisconsin and for other purposes; so as to provide that the Legislature may appropriate the amount of per diem, allowed by Congress, for their subordinate officers for such service, in such manner, as they may direct without regard to the kind or number of officers employed.

Which was agreed to; when,

On motion of Mr. Walworth,

The amendment was ordered to be engrossed and with the resolution read a third time to-morrow.

On motion of M. McCulloch,

The House adjourned.

#### THURSDAY MORNING, JANUARY 19, 1843.

The House met pursuant to adjournment.

Mr. Bunker presented the petition of sundry citizens of Washington county, asking the repeal of all acts, regulating blacks and mulattoes; which,

On motion of Mr. Bunker,

Was referred to the committee on the Judiciary.

Mr. McCulloch gave notice that he would, on some future day, ask leave to introduce a bill to empower the County Commissioners of Lee county to extend further time to B. W. Gillock, to collect the taxes yet due for the year 1841.

Mr. Barton offered the following:

Resolved, That the Auditor of Public Accounts be, and is hereby, required to make out and submit his annual report to this House without delay.

Mr. Hepner moved to strike out "without delay;"

Which was lost.

The question was then taken upon the adoption of the resolution, and agreed to.

Mr. Andros, from the committee on claims, to whom was referred



No. 34, H. R. file, A bill for the relief of Walter Butler;  
Reported a substitute for the same.

Mr. Sales gave notice that he would, on some future day, submit a counter report.

Mr. Thornton, from the select committee, to whom was referred the petition of sundry citizens of Muscatine county in relation hereto, reported,

No. 58, H. R. file, A bill to authorize Henry De Camp and Samuel H. Colyer to keep a ferry across the Mississippi at the town of Wyoming;

Which was read a first time.

Mr. Barton, from the select committee, to whom was referred the petition of the citizens of Farmington, in relation hereto, reported,

No. 59, H. R. A bill to amend an act entitled an act, for the incorporation of the town of Farmington;

Which was read a first time.

Mr. Lewis, from the committee on enrolled bills, reported that they had examined,

An act to locate a Territorial road from Moscow, so as to intersect a road leading from Bloomington to Iowa City, at or near Hudson in Muscatine county.

An act to incorporate the Scott county Hydraulic company.

An act to relocate a part of a Territorial road in Henry county.

An act to legalize the acts of the Sheriff of Clayton county.

An act to allow George Bumgardner and others, further time to file in the Secretarys office, a plat of a survey of a certain Territorial road.

An act to establish a Territorial road in Lee county.

And,

An act to repeal an act, relative to officers of the Legislative Assembly.

And find the same correctly enrolled.

Mr. Walworth, from the committee on engrossed bills, reported that they had examined

No. 36, H. R. file, A bill to authorize Isaac R. Campbell and Company to construct a dam across the Des Moines river.

No. 53, H. R. file, A bill to relocate a part of a certain Territorial road in Henry county; and,

No. 38, H. R. file, A joint resolution requesting our Delegate in Congress to procure the establishment of a post office, and for other purposes.

And find the same correctly engrossed.

Mr. Newell, on previous notice and leave granted, introduced

No. 60, H. R. file, A bill to legalize the location of certain Territorial roads;



Which was read a first time.

No. 52, H. R. file, A bill to prevent damage by the firing of prairies;  
Was read a second time; and,

On motion of Mr. Goddard,

The same was committed to the committee of the whole and made the order of the day for Wednesday next.

No. 12, C. file, An act to locate a Territorial road from Jonathan H. Jenkins in Linn county, to the city of Dubuque;

Was read a second time; and

On motion of Mr. Berry,

Was ordered to be read a third time on to-morrow.

No. 29, C. file, An act to legalize the acts of Jacob Mintun, a justice of the peace;

Was read a second time; and

On motion of Mr. Lewis,

Was ordered to be read a third time to-morrow.

No. 30, C. file, An act to establish a Seminary of learning at Grand View in Louisa county;

Was read a second time; and,

On motion of Mr. Jay,

Ordered to be read a third time to-morrow.

No. 32, C. file, Joint resolution, asking an appropriation to defray the expenses of a treaty with the Pottawottamie, Chippewa and Ottawa Indians;

Was read a second time; and,

On motion of Mr. Wilson,

Was ordered to be read a third time to-morrow.

No. 36, H. R. file, A bill to authorize Isaac R. Campbell and company to construct a dam across the Des Moines river;

Was read a third time; and,

On motion of Mr. Brierly,

The same was laid on the table.

No. 38, H. R. file, A joint resolution requesting our delegate in Congress to procure the establishment of a Post Office, and for other purposes;

Was read a third time and passed.

No. 53, H. R. file, A bill to relocate a part of a certain Territorial road in Henry county;

Was read a third time, passed and title agreed to.

No. 8, C. file, Joint resolution instructing our Delegate in Congress to procure an amendment to the Organic law;

Was read a third time and passed.



No. 46, H. R. file, A bill for the prevention of certain immoral practices;

Being the order of the day, the House resolved itself into committee of the whole, Mr. Newell in the chair; and,

After some time spent in consideration of the same, the committee rose, and, by their chairman, reported the same back to the House with one amendment;

Which was concurred in.

Mr. McMillan moved

To amend the 5th section by striking out the following words "under the penalty of forfeiture of their respective offices;"

Which was agreed to.

Mr. Lewis moved to strike out the word "five" in the fourth line of the first section, and insert "one;"

Which was lost.

Mr. Barton moved that the House adjourn;

Which was not agreed to.

Mr. Lewis then moved to strike out the words "nor less than one dollar;"

Which was agreed to; when,

On motion of Mr. Newell,

The bill was ordered to be engrossed and read a third time to-morrow.

Upon which question the yeas and nays were ordered;

Yeas 15, Nays 10.

Those who voted in the affirmative were,

Messrs. Barton,	Jay,	Steele,
Berry,	Lewis,	Swearingen,
Blair,	McMillan,	Thornton,
Culbertson,	Newell,	Walworth,
Goddard,	Sales,	Wilson.

Those who voted in the negative were,

Messrs. Andros,	Felkner,	McCulloch,
Brierly,	Hackleman,	Rogers,
Briggs,	Hepner,	Speaker.
Bunker,		

So the motion was agreed to.

On motion of Mr. Rogers,

The House adjourned until to-morrow morning at 10 o'clock.



FRIDAY MORNING, JANUARY 20, 1848.

The House met pursuant to adjournment.

Mr. Bunker presented the petition of sundry citizens of Washington county, asking the repeal of a certain law relative to blacks and mulattoes; which,

On motion of Mr. Bunker,

Was referred to the committee on the judiciary.

Mr. Thornton gave notice that he would, on some future day, ask leave to introduce

A bill to incorporate the Bloomington Lyceum.

Mr. Felkner gave notice that he would, on some future day, ask leave to introduce

A bill to legalize the location of a Territorial road leading from Lyons to Iowa City.

Mr. Rogers from the committee on the judiciary to whom was referred

No. 39, H. R. file, A bill to amend an act entitled an act, defining crimes and punishments;

Reported the same back to the House with the following resolution:

Resolved, That it is inexpedient at this time, to abolish capital punishment, and the bill be indefinitely postponed.

Mr. Lewis, from the committee on enrolled bills, reported, that they had presented to the Governor for his approval:

An act to relocate a part of a Territorial road, leading from Davenport in Scott county, to Marion in Linn county.

An act relative to the safe custody of persons arrested for crimes and misdemeanors;

They have also examined

An act to authorize the County Commissioners of Johnson county, to vacate a part of the Territorial road leading from Wyoming to Iowa City, also, to relocate a part of said road; and

An act to legalize the acts of George Duden, a Justice of the Peace;

And find the same to be correctly enrolled.

Mr. Brierly, on previous notice and leave granted, introduced

No. 61, H. R. file, A bill to establish a Seminary of learning at Nashville;

Which was read a first time.

Mr. Barton from the select committee to whom was referred the petition of sundry citizens of Van Buren county, relative hereto; reported



No. 62, H. R. file, A bill to authorize Arthur Town and others, to erect a dam part way across the Des Moines river;

Which was read a first time.

The chair submitted the following communication from the Auditor of public accounts:

AUDITOR'S OFFICE, }  
Iowa City, Jan. 19, 1843. }

HON. JAMES M. MORGAN,

Speaker of the  
House of Representatives.

Sir:—I have the honor to acknowledge the receipt of a resolution which passed the House of Representatives this morning, requiring me to make out and submit my annual report to the House without delay.

In answer to the resolution, I beg leave briefly to state the reasons, why I have not done so, at an earlier period of the session.

Some four or five weeks prior to the commencement of the present session of the Legislature, I transmitted my resignation of the office to the Governor of the Territory, and was in hope that he would have appointed my successor immediately. I received no reply to my letter until the Governor arrived in this city, at the commencement of the present session, when he requested that I should hold the office until I made my annual report to the Legislature. And having on hand a large number of unadjusted accounts, and which have been daily increasing since that time. I have been desirous to dispose of them all, prior to my turning the books and accounts over to a successor.

Another reason why I have delayed is, that at the commencement of the present session, but very few of the reports of the assessment of Territorial tax, in the respective counties for the past year, had been received at this office, and flattered myself by the delay, to be enabled to present a more full and satisfactory report. The report of the Treasurer, which has been laid before the Legislature, contains an exhibit of the condition of the Territorial Treasury up to the date of the same, and which obviated, as I thought, any positive necessity for a report from this office at the commencement of the session.

I will, however, in the course of a very few days, be enabled to lay my report before the House, and hope that the additional information which I will be enabled to communicate, will justify the apparent neglect in not reporting at an earlier day.

Very respectfully

Your ob't. servant,

JESSE WILLIAMS,  
Auditor of Public Accounts.

Mr. Hepner moved

To lay said communication on the table;  
Which was agreed to.



Mr. Walworth, from the select committee, to whom was referred No. 2, C. file, An act to regulate the mode of petitioning the Legislative Assembly in certain cases;

Reported the same back, and recommend that the second and third sections be stricken out.

Mr. Walworth presented the petition of sundry citizens of Cedar county asking that the road leading from Rockingham to Moscow, be continued on to Iowa City; which,

On motion of Mr. Walworth,

Was referred to the delegation from Cedar, Jones and Linn.

The following message was received from the Council, by their Secretary, Mr. Fales:

Mr. Speaker—The Council have passed No. 30, H. R. file, An act to amend an act to incorporate the city of Dubuque;

The Council have disagreed to the amendments made by the House to

No. 8, C. file, Joint resolution instructing our delegate in Congress to procure an amendment to the Organic Law;

I herewith present for your signature

An act to repeal an act entitled an act relating to auctioneers and auction sales;

An act to prohibit and punish the sale of intoxicating liquors to Indians;

An act relating to the office of Recorder of Deeds;

I also return

An act to establish a Territorial road in Lee county;

An act to allow George Bumgardner and others, further time to file in the Secretary's office, a plat of a survey of a certain Territorial road;

An act to legalize the acts of the Sheriff of Clayon county.

An act to locate a part of a Territorial road in Henry county.

An act to incorporate the Scott county Hydraulic Company.

An act to locate a Territorial road from Moscow, so as to intersect a road leading from Bloomington to Iowa City, at or near Hudson in Muscatine county.

And,

An act to repeal an act relative to officers of the Legislative Assembly.

All of which have been signed by the President of the Council.

No. 58, H. R. file, A bill to authorize Henry De Camp and Samuel H. Colyer, to keep a ferry across the Mississippi river, at the town of Wyoming;

Was read a second time; when,

Mr. Rogers moved



The following amendment:  
 "Sec. 4. That any future Legislature shall have power to alter, amend or repeal this act."

Which was agreed to.

Mr. Berry then moved

To lay the bill on the table;

Which was lost.

Mr Thorton then moved

That the bill be engrossed and read a third time to-morrow.

Upon which question the yeas and nays were ordered;

Yeas 14, Nays 11.

Those who voted in the affirmative were,

Messrs. Barton,	Hepner,	Steele,
Blair,	Lewis,	Swearingen,
Brierly,	McCulloch,	Thornton,
Briggs,	McMillan,	Walworth.
Felkner,	Newell,	

Those who voted in the negative were,

Messrs. Andros,	Goddard,	Sales,
Berry,	Hackleman,	Wilson.
Bunker,	Jay,	Speaker.
Culbertson,	Rogers,	

So the motion was agreed to.

No. 59, H. R. file, A bill to amend an act entitled an act for the incorporation of the town of Farmington;

Was read a second time; and,

On motion of Mr. Barton,

The bill was ordered to be engrossed and read a third time to-morrow.

No. 60, H. R. file, A bill to legalize the location of a certain Territorial road;

Was read a second time; when,

On motion of Mr. Bunker,

Was ordered to be engrossed and read a third time to-morrow.

No. 56, H. R. file, A bill relative to mechanics' liens and other purposes;

Was read a second time; and,

On motion of Mr. Sales,

The bill was committed to a committee of the whole House and made the order of the day for Wednesday next.

No. 46, H. R. file, A bill for the prevention of certain immoral practices;

Was read a third time;

Mr. Lewis moved

To amend the second section by inserting after the word "Physi-



cian," the following: "If such grocery keeper, or other person, shall know that such spirituous liquors are wanted to be used as medicine."

Which was agreed to;

Mr. Hepner moved

To postpone the consideration of the bill until Tuesday next;

Which was lost.

The question upon the passage of the bill was then taken by yeas and nays.

Yeas 14, nays 11.

Those who voted in the affirmative were,

Messrs. Barton,

Berry,

Blair,

Culbertson,

Goddard,

Jay,

Lewis,

McMillan,

Newell,

Steele,

Swearingen,

Thornton,

Walworth,

Wilson.

Those who voted in the negative were,

Messrs. Andros,

Brierly,

Briggs,

Bunker,

Felkner,

Hackleman,

Hepner,

McCulloch,

Rogers,

Sales,

Speaker.

So the bill passed.

And on the question, will the House agree to the title of the bill?

Mr. Hepner moved to amend by striking out the title and insert the following:

An act to enforce the observance of the Sabbath.

Mr. Rogers moved further to amend by adding the following:

And to violate the Constitution of the United States and the rights of conscience.

Upon which amendment the yeas and nays were ordered;

Yeas 7, Nays 18.

Those who voted in the affirmative were,

Messrs. Andros,

Briggs,

Bunker,

Hackleman,

Hepner,

Rogers,

Speaker.

Those who voted in the negative were,

Messrs. Barton,

Berry,

Blair,

Brierly,

Culbertson,

Felkner,

Goddard,

Jay,

Lewis,

McCulloch,

McMillan,

Newell,

Sales,

Steele,

Swearingen,

Thornton,

Walworth,

Wilson.

So the motion was lost.

Mr. Felkner then moved to amend the amendment by adding the words, "and other purposes."



Mr. Walworth moved the previous question.  
 The Chair then put the question,  
 Shall the main question be now put?  
 Upon which question the yeas and nays were ordered;  
 Yeas 11, Nays 14.

Those who voted in the affirmative were,		
Messrs. Blair,	Felkner,	Sales,
Brierly,	Hackleman,	Swearingen,
Briggs,	McCulloch,	Walworth.
Bunker,	McMillan,	

Those who voted in the negative were,		
Messrs. Andros,	Hepner,	Steele,
Barton,	Jay,	Thornton,
Berry,	Lewis,	Wilson.
Culbertson,	Newell,	Speaker.
Goddard,	Rogers,	

So it was determined that the main question should not now be put.

Mr. Barton moved a reconsideration of the vote just taken;  
 Which was agreed to.

Mr. Walworth then with leave, withdrew his motion for the previous question.

Mr. Hepner then accepted the amendment to his amendment, as proposed by the gentleman from Johnson.

The question then recurred on the amendment as amended;  
 Upon which question the yeas and nays were ordered;  
 Yeas 9, Nays 16.

Those who voted in the affirmative were,		
Messrs. Brierly,	Felkner,	Rogers,
Briggs,	Hackleman,	Sales,
Bunker,	Hepner,	Speaker.

Those who voted in the negative were,		
Messrs. Andros,	Jay,	Steele,
Barton,	Lewis,	Swearingen,
Berry,	McCulloch,	Thornton,
Blair,	McMillan,	Walworth,
Culbertson,	Newell,	Wilson.
Goddard,		

So the amendment as amended was lost.

Mr. Hepner moved to strike out the title and insert,  
 An act to enforce a part of the old blue laws of Connecticut.

Mr. Lewis moved to amend by adding "as established in all the States;"

Which was lost.

The question was then taken upon Mr. Hepner's amendment;







Was read a third time and passed; when,  
On motion of McMillan,  
The House adjourned.

TWO O'CLOCK, P. M.

Mr. Brierly, upon previous notice and leave granted, introduced  
No. 63, H. R. file, A bill for the relief of B. W. Gillock ex-Sheriff  
of Lee county;

Which was read a first time.

No. 45, H. R. file, A bill to provide for assessing and collecting  
County and Territorial revenue;

Being the order of the day, the House resolved itself into committee  
of the whole for the consideration of the same, Mr. Rogers in the  
chair; and,

After some time spent therein, the committee rose, and by their  
chairman reported the same back to the House with sundry amend-  
ments, but not having gone through with the bill, ask leave to sit  
again;

Which was granted.

Mr. Walworth, from the select committee, to whom was referred the  
petition of sundry citizens of Cedar county, relative to a certain road,  
reported,

No. 64, H. R. file, A bill to establish a certain Territorial road;

Which was read a first time.

Mr. Steele moved to take from the table the petition of sundry citi-  
zens of Lee county, asking a charter for a dam across the Des Moi-  
nes river; which,

On motion of Mr. Brierly,

Was referred to the delegation from Lee and Van Buren counties.

The following message was then received from the Council, by their  
Secretary, Mr. Fales:

Mr. Speaker—The Council have passed

No. 50, H. R. file, An act to relocate a certain road.

No. 51, H. R. file, An act for the relief of Denton J. Snyder.

Also,

No. 37, C. file, An act to authorize Wm. Benham and David B.  
Sears to keep a ferry.

In which the concurrence of the House is requested.

Mr. Rogers moved that the House adjourn until 7 o'clock this even-  
ing;

Which was lost.

On motion of Mr. Hepner,  
The House adjourned.



## SATURDAY MORNING, JANUARY 21, 1843.

The House met pursuant to adjournment.

Mr. Walworth, from the committee on engrossed bills, reported that they had examined

No. 60, H. R. file, A bill to legalize the location of certain Territorial roads.

No. 59, H. R. file, A bill to amend an act entitled an act, for the incorporation of the town of Farmington.

No. 58, H. R. file, A bill to authorize Henry De Camp and Samuel H. Colyer to keep a ferry across the Mississippi at the town of Wyoming.

And find the same correctly engrossed.

Mr. Andros presented the petition of Thomas McCraney and James Churchman of the city and county of Dubuque, asking a charter to be granted to them to keep a ferry at said city of Dubuque; which,

On motion of Mr. Andros,

Was referred to the delegation from the Dubuque district.

Mr. Swearingen offered the following:

Resolved, by the Council and House of Representatives of the Territory of Iowa, That the Sergeant-at-Arms, Messenger and Fireman of said House, be allowed three dollars per day, for their services during the present session.

Which was agreed to.

Mr. Briggs gave notice that he would on some future day ask leave to introduce a bill to amend an act to prevent forcible entry and detainer.

Mr. Sales in accordance with previous notice given, submitted the following as the minority report of the committee on printing to whom was referred;

No. 34, H. R. file, A bill for the relief of Walter Butler;

The undersigned differing with the majority of the committee to whom was referred the above bill, ask leave to submit the following report:

The account of Mr. Butler reads as follows:

For rooms occupied by the Council and House of Representatives for the session of 1841 and '42; such sums as may be allowed by the Legislature.	
For rooms used for Library twelve months, at ten dollars per month,	\$120,00
Rooms for storing furniture,	45,00
Removing furniture,	10,00



We are informed by the Secretary that Mr. Butler's account for rooms, for Library and storing furniture, is as per contract, and that Mr. Butler removed furniture for him, but that the worth of doing the same could not have exceeded five dollars. The undersigned would, however, recommend that Mr. Butler be allowed the sum of one hundred and twenty dollars for use of Library room; forty-five dollars for storage, and ten dollars for removing furniture, as charged in the bill. But with regard to the first, and if allowed, by far the largest part of said account, for rooms occupied by the Council and House of Representatives, we differ with the majority of your committee.

By an act of the Legislative Assembly of 1840 and 41, providing for the conditional removal of the temporary seat of government from Burlington, to Iowa City; the undersigned find that said removal was made to depend upon one of two contingencies. 1st. That the Capitol at Iowa City, should be so far completed as to be ready for the use of the Legislature. 2d. That the citizens of Iowa City should furnish rooms for the use of the Legislature, rent free. The Capitol was not ready for use, and the undersigned feel bound to believe that said rooms were tendered free of rent, otherwise the Legislature was not convened according to law. The undersigned find the name of Walter Butler with that of nineteen others, (citizens of Iowa City,) to a bond, binding themselves to Gov. Robert Lucas, or his successor in the penal sum of fifteen thousand dollars, to furnish rooms for the use of the Legislative Assembly, rent free, provided, that the Capitol in this city was not ready for use, and we are creditably informed that Mr. Butler assured Gov. Lucas that said building, used by the Legislature during the session of 1841 and '42, would be furnished by him free of rent, and that Gov. Lucas accordingly issued his proclamation for the Legislature to convene in this city. In view of the above facts, the undersigned are of the opinion that Mr. Butler can have no legal or equitable claim against this Territory, or the General Government, for rent of rooms occupied by the Council and House of Representatives, during the session of 1841 and '42.

DAVID J. SALES,  
ABNER HACKLEMAN.

We would also recommend the adoption of the following resolution:

Resolved, by the Council and House of Representatives of the Territory of Iowa, That Walter Butler be allowed the sum of one hundred and seventy-five dollars for rent of rooms for Library and storing furniture, and for removing furniture, and that the Secretary be authorized to pay the same.

Mr. Rogers from the committee on the Judiciary to whom was referred

No. 24, C. file, A bill to authorize evidence by the oath of parties;

Reported the same back to the House without amendment.



Mr. Lewis, from the committee on enrolled bills, have laid before his Excellency, the Governor for his approval on the 20th instant;

An act to establish a Territorial road in Lee county.

Also,

An act to allow George Bumgardner and others further time to file in the Secretary's office, a plat of a survey of a certain Territorial road.

An act to legalize the acts of the Sheriff of Clayton county.

An act to relocate a part of a certain Territorial road in Henry county.

An act to incorporate the Scott county hydraulic company.

An act to locate a Territorial road from Moscow so as to intersect a road leading from Bloomington to Iowa City, at or near Hudson, in Muscatine county.

An act to repeal an act, entitled an act, relative to officers of the Legislative Assembly.

No. 57, H. R. file, A bill for establishing the prices of the public printing;

Was read a second time, and,

On motion of Mr. Walworth,

The House resolved itself into committee of the whole, Mr. Sales in the Chair; and,

After some time spent therein, the committee rose, and by their chairman reported the same back to the House with sundry amendments;

Which were concurred in.

Mr. Walworth moved to further amend by striking out in the third line of the fourth section, the words "two hundred and fifty impressions;"

Which was agreed to; when,

On motion of Mr. Walworth,

The same was ordered to be engrossed and read a third time on Monday next.

No. 61, H. R. file, A bill to establish a Seminary of learning at Nashville;

Was read a second time; and,

On motion of Mr. McCulloch,

Was ordered to be engrossed and read a third time on Monday next.

No. 62, H. R. file, A bill to authorize Arthur Town and others, to erect a dam part way across the Des Moines river;

Was read a second time; and the same was,

On motion of Mr. Barton,

Laid on the table.

No. 63, H. R. file, A bill for the relief of B. W. Gillock, ex-Sheriff of Lee county;



Was read a second time; and  
 On motion of Mr. McCulloch,  
 Was ordered to be engrossed and read a third time on Monday next.

No. 64, H. R. file, A bill to establish a certain Territorial road;  
 Was read a second time; and,  
 On motion of Mr. Walworth,  
 Ordered to be engrossed and read a third time on Monday next.

No. 58, H. R. file, A bill to authorize Henry De Camp and Samuel H. Colyer, to keep a ferry across the Mississippi river, at the town of Wyoming;

Was read a third time; and,  
 Upon the question,  
 Shall the bill pass?

The yeas and nays were ordered;  
 Yeas 19, Nays 6.

Those who voted in the affirmative were,  

Messrs. Andros,	Hepner,	Sales,
Barton,	Jay,	Steele,
Blair,	Lewis,	Swearingen,
Brierly,	McCulloch,	Thornton,
Briggs,	McMillan,	Walworth.
Felkner,	Newell,	Wilson.
Goddard,		

Those who voted in the negative were,  

Messrs. Berry,	Culbertson,	Rogers,
Bunker,	Hackleman,	Speaker.

So the bill passed and the title was agreed to.

No. 59, H. R. file, A bill to amend an act entitled an act for the incorporation of the town of Farmington;

Was read a third time, passed and title agreed to.

No. 60, H. R. file, A bill to legalize the location of a certain Territorial road;

Was read a third time, passed and title agreed to.

Mr. Rogers moved that the consideration of the orders of the day be postponed for the present;

Which was agreed to; when,

No. 8, C. file, Joint resolution instructing our Delegate in Congress to procure an amendment to the Organic law;

Being returned from the Council with their disagreement to the amendment of the House;

Was taken up, when,

Mr. Walworth moved that the House recede from their first amendment, namely:



Inserting the words "Secretary and Governor;"

Which was lost.

Mr. Walworth then moved that the House insist upon their second amendment;

Which was agreed to.

Mr. Barton moved that the House recede from their third amendment;

Which was lost; when,

On motion of Mr. McMillan,

The House insisted upon their first and third amendments.

No. 37, C. file, An act to authorize William Benham and David B. B. Sears to keep a ferry;

Was read a first time.

No. 34, H. R. file, A bill for the relief of Walter Butler;

And the substitute for the same, reported by the select committee, to whom the same was referred, being under consideration;

Mr. Sales moved that the report of the minority of [said committee be taken up;

Which was agreed to,

And the report read.

Mr. Felkner moved that the report be laid upon the table,

Which was lost.

Mr. Newell then moved to strike out the second section of the bill; Upon which question the yeas and nays were ordered;

Yeas 18, Nays 7.

Those who voted in the affirmative were,

Messrs. Barton,

Blair,

Briggs,

Bunker,

Culbertson,

Hackleman,

Hepner,

Jay,

Lewis,

McMillan,

Newell,

Rogers,

Sales,

Steele,

Swearingen,

Thornton,

Wilson.

Speaker.

Those who voted in the negative were,

Messrs. Andros,

Berry,

Brierly,

Felkner,

Goddard,

McCulloch,

Walworth.

So the motion was agreed to.

Mr. Wilson moved to amend, by inserting the following:

"That unless the citizens of Iowa City pay to Walter Butler the sum of five hundred dollars, before the first day of September next, for the rent of his house occupied by the Legislature for the year 1841-'42, it shall be the duty of his Excellency, the Governor, to convene the next General Assembly at Mount Pleasant in Henry county, Iowa



Territory, and there to remain until the above sum of five hundred dollars is paid. When,

On motion of Mr. Newell,

The House adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

Mr. Wilson's amendment to  
No. 34, H. R. file, A bill for the relief of Walter Butler;

Being again under consideration,

Mr. Walworth moved

To strike out the following words: "And there to remain until the said sum of five hundred dollars is paid;"

Which was lost.

Mr. Rogers moved

To strike out "Mount Pleasant;" which was agreed to.

Mr. Sales then moved to insert "Burlington;" which was agreed to.

Mr. Felkner then moved

The previous question; which was agreed to.

The question being upon the adoption of the amendment of Mr. Wilson as amended;

Upon which question the yeas and nays were ordered;

Yeas 2, Nays 22.

Those who voted in the affirmative were,  
Messrs. Blair, Sales.

Those who voted in the negative were,

Messrs. Andros,	Hackleman,	Steele,
Barton,	Hepner,	Swearingen,
Berry,	Jay,	Thornton,
Briggs,	Lewis,	Walworth,
Bunker,	McCulloch,	Wilson,
Culbertson,	McMillan,	Speaker,
Felkner,	Newell,	
Goddard,	Rogers,	

Mr. Felkner moved

To amend by inserting the following:

Sec. 2. And that the sum of two hundred dollars be allowed him for rent of Secretary's office, to be paid out of any monies not otherwise appropriated.

Mr. Felkner moved



A call of the House, which was had;  
The absent member appearing in his seat;  
On motion of Mr. Felkner,  
The further call was dispensed with.

Mr. Sales then moved  
To amend by striking out "two hundred" and inserting "twenty-five;"  
Which was lost.

Mr. Sales then moved  
To amend by striking out "two hundred" and inserting "fifty;"  
Which was lost.

Mr. Jay then moved  
To strike out "two hundred;" which was agreed to.

Mr. Felkner moved  
To fill the blank with "one hundred and seventy-five;"  
Which was lost.

Mr. Bunker moved  
To insert "one hundred."

Mr. Felkner moved  
To insert "one hundred and fifty;" which was agreed to.

Mr. Newell moved  
The following amendment: "And that said amount shall be in full  
of all demands held by Walter Butler, against the General Govern-  
ment, or this Territory for the rent of rooms;" which was lost.

The question was then taken upon the adoption of Mr. Felkner's  
amendment as amended by yeas and nays.

Yeas 14, Nays 11.

Those who voted in the affirmative were,

Messrs. Andros,  
Barton,  
Brierly,  
Briggs,  
Culbertson,

Felkner,  
Goddard,  
Hackleman,  
McCulloch,  
Rogers,

Steele,  
Swearingen,  
Thornton,  
Walworth.

Those who voted in the negative were,

Messrs. Berry,  
Blair,  
Bunker,  
Hepner,

Jay,  
Lewis,  
McMillan,  
Newell,

Sales,  
Wilson,  
Speaker.

So the motion was agreed to.

Mr. Felkner then moved  
That the bill be engrossed and read a third time on Monday next.  
Upon which question the yeas and nays were ordered;  
Yeas 15, Nays 10.



Those who voted in the affirmative were,

Messrs. Andros,	Felkner,	Steele,
Barton,	Goddard,	Swearingen,
Brierly,	Hackleman,	Thornton,
Briggs,	McCulloch,	Walworth.
Culbertson,	Rogers,	

Those who voted in the negative were,

Messrs. Berry,	Jay,	Sales,
Blair,	Lewis,	Wilson,
Bunker,	McMillan,	Speaker.
Hepner,	Newell,	

So the motion was agreed to.

No. 39, H. R. file, A bill to amend an act entitled an act, defining crimes and punishments;

Together with the report of the judiciary committee (to whom the same was referred) recommending the indefinite postponement of said bill, being under consideration;

On motion of Mr. Lewis,

The same was laid upon the table until Monday next.

No. 2, C. file, An act to regulate the mode of petitioning the Legislative Assembly in certain cases;

Together with the report of the select committee to whom the same was referred, recommending that the "second" and "third" sections of said bill be stricken out;

Which was agreed to.

Mr. Walworth moved

That the bill be read a third time on Monday next.

Upon which motion the yeas and nays were ordered;

Yeas 9; Nays 16.

Those who voted in the affirmative were,

Messrs. Berry,	McCulloch,	Thornton,
Brierly,	McMillan,	Walworth,
Lewis,	Steele,	Wilson.

Those who voted in the negative were,

Messrs. Andros,	Felkner,	Rogers,
Barton,	Goddard,	Sales,
Blair,	Hackleman,	Swearingen,
Briggs,	Hepner,	Speaker.
Bunker,	Jay,	
Culbertson,	Newell,	

So the motion was lost.

Mr. Lewis then moved

To refer the same to a select committee; which was lost.

Mr. Rogers moved



That the bill be indefinitely postponed.  
 Upon which question the yeas and nays were ordered;  
 Yeas 16; Nays 9.

Those who voted in the affirmative were,

Messrs. Andros,	Felkner,	Rogers,
Barton,	Goddard,	Sales,
Blair,	Hackleman,	Swearingen,
Briggs,	Hepner,	Speaker.
Bunker,	Jay,	
Culbertson,	Newell,	

Those who voted in the negative were,

Messrs. Berry,	McCulloch,	Thornton,
Brierly,	McMillan,	Walworth,
Lewis,	Steele,	Wilson.

So the bill was indefinitely postponed.

No. 24, C. file, A bill to authorize evidence by the oath of parties;  
 Together with sundry amendments made by the judiciary committee, (to whom the bill was referred) being under consideration, which amendments were severally read and concurred in; when,

On motion of Mr. McMillan,

The bill was ordered to be read a third time on Monday next.

Mr. Rogers moved

To take from the table,

No. 16, H. R. file, A bill to amend an act entitled an act subjecting real and personal estate to execution, so as to increase the exemption of sheep and household furniture from sale under execution;

Which was agreed to;

Mr. Rogers then moved

That the bill be engrossed and read a third on Monday next.

Mr. Hepner moved

To amend by inserting after the word "hundred," the following: "Together with 25 head of Durham cattle and 50 head of Berkshire hogs;" when,

On motion of Mr. Newell,

The bill and amendment was laid upon the table.

On motion of Mr. McCulloch,

The House adjourned.



MONDAY MORNING, JANUARY 23, 1843.

The House met pursuant to adjournment.

The following message was received from the Council, by Mr. Fales, their Secretary:

Mr. Speaker—The Council have appointed Messrs. Springer, Leffler and Wm. Patterson, a committee of conference on the part of the Council, relative to the disagreement of the two Houses, on

No. 8, C. file, Joint resolution instructing our Delegate in Congress to procure an amendment to the Organic law.

The Council have passed

No. 53, H. R. file, An act to relocate a part of a certain Territorial road in Henry county.

No. 38, H. R. file, A joint resolution requesting our delegate in Congress to procure the establishment of a Post Office, and for other purposes.

No. 44, C. file, An act to relocate the Territorial road leading from Burlington, in Des Moines county, via. Fort Madison in Lee county, to the bridge on Sugar creek in said county.

In which I am directed to ask the concurrence of the House.

I herewith return

An act to legalize the acts of George Duden, a justice of the peace.

An act to authorize the County Commissioners of Johnson county to vacate a part of the Territorial road leading from Wyoming to Iowa City, also, to relocate a part of said road;

The same having been signed by the President of the Council.

Mr. Berry presented the petition of sundry citizens of Iowa Territory, remonstrating against the sale of intoxicating spirits; which,

On motion of Mr. Berry,

Was referred to a select committee of three.

The Chair appointed Messrs. Berry, Sales and McMillan, said committee.

Mr. Brierly presented the petition of sundry citizens of Lee county, (occupying the half breed land in said county), asking certain privileges in relation thereto; which,

On motion of M. McCulloch,

Was referred to the delegation from Lee county.

Mr. McMillan presented the petition of sundry citizens of Henry county, asking certain alterations in the present law relating to the sale of real and personal estate; which,



On motion of Mr. McMillan,  
Was laid on the table.

Mr. Robertson presented the petition of sundry citizens of Scott county, asking that certain privileges be granted to Isaac R. Vanausdol and Ambrose C. Fulton; which,

On motion of Mr. Robertson,  
Was referred to the committee on corporations.

Mr. Culbertson presented the petition of sundry citizens of Jefferson county, asking the relocation of a certain Territorial road in said county, also,

A remonstrance in relation to the same subject; which,

On motion of Mr. Culbertson,  
Were referred to the committee on roads and highways.

Mr. Walworth presented the petition of sundry citizens of Cedar county, asking that William Dillon and John Dillon be authorized to keep a ferry across Cedar river; which,

On motion of Mr. Walworth,  
Was referred to the Delegation from Cedar, Linn and Jones.

Mr. Walworth offered the following:

Whereas, the Iowa Capitol Reporter, a newspaper published in this city, contains an article under the head of the "Miners' Bank," charging members of this Legislature, with having been influenced in their Legislative action upon a bill now pending for the repeal of the charter of said bank, in the following words, to wit:

"It is necessary for us to state and inform the public that they have a much more substantial argument for so sudden and great a change. *Some offers and promises of personal reward and private advantage, have, it is well known here, been made from a certain quarter to certain members of the Legislature in consideration that they will interpose to save the Bank.* There might have been some delicacy in putting this into the manifesto, but it *undoubtedly had more weight* in the change of opinion, than an expectation that the State Bank of Illinois unable to redeem its own bills, can spare \$50,000 to carry on business abroad."

And whereas, said charge, if true, renders such members guilty of the crime of receiving bribes and consequently liable to fine and expulsion from this House, and also renders those offering said bribe, guilty of a high offence, which should not be passed unnoticed.

Therefore,

Resolved, That a committee of five be appointed, with instructions to cause Jesse Williams & Thomas Hughes, editors of said Reporter, to appear before said committee, and to them give testimony under oath in relation to said charge; also for such other persons and papers



as they may deem proper, relating to the subject of said charge and report to the House without delay.

The question being upon the adoption of said resolution;

The yeas and nays were ordered;

Yeas 22, Nays 3.

Those who voted in the affirmative were,

Messrs. Andros,	Goddard,	Robertson,
Barton,	Jay,	Sales,
Berry,	Lewis,	Steele,
Blair,	McCulloch,	Swearingen,
Briggs,	McMillan,	Walworth,
Bunker,	Newell,	Wilson,
Culbertson,	Rogers,	Speaker.
Felkner,		

Those who voted in the negative were,

Messrs. Brierly,	Hackleman,	Hepner.
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So the resolution was adopted.

The question was then taken upon the adoption of the preamble, and agreed to.

The Chair then appointed Messrs. Walworth, Bunker, Felkner, Hepner and Newell, a committee in compliance with said preamble.

The following message was received from the Council, by their Secretary, Mr. Fales:

Mr. Speaker—I am directed to present for your signature,

A Joint resolution, asking an appropriation to defray the expenses of a treaty with the Pottawottamie, Chippewa and Ottawa Indians.

An act to establish a Seminary of learning at Grandview, in Louisa county.

An act to legalize the acts of Jacob Mintun, a justice of the peace.

An act to locate a Territorial road from Jonathan H. Jenkins in Linn county, to the city of Dubuque.

Mr. Robertson gave notice that he would, on or some future day, ask leave to introduce,

A bill to amend an act entitled an act to abolish imprisonment for debt.

Mr. Barton, from the committee on engrossed bills, reported that they had examined,

No. 57, H. R. file, A bill to establish the prices for public printing.

No. 34, H. R. file, A bill for the relief of Walter Butler.

No. 63, H. R. file, A bill for the relief of B. W. Gillock, ex-Sheriff of Lee county.

No. 62, H. R. file, A bill to establish a Seminary of learning at Nashville.



And,

No. 64, H. R. file, A bill to establish a certain Territorial road.

And find the same to be correctly engrossed.

Mr. Lewis, from the committee on enrolled bills, reported that they had examined,

An act to relocate a certain Territorial road.

Also,

An act to amend an act to incorporate the city of Dubuque.

And find the same to be correctly enrolled.

Mr. Hepner, from the select committee, to whom was referred,

No. 23, H. R. file, A bill to repeal the charter of the Miners' Bank of Dubuque and to provide for winding up the affairs of the same;

Submitted the following majority report:

The committee to whom was referred "a bill to repeal the charter of the Miners' Bank of Dubuque, and to provide for the winding up of the affairs of the same," report the same back to the House without amendment, and recommend its passage. The committee also report the following testimony as delivered before said committee by Messrs. Joseph T. Fales, Timothy Davis and — Mobley.

Mr. J. T. Fales says, that he believes the stock of the bank was never paid in any other way, than by the stock holders giving their notes to the institution. That the bank suspended specie payment the last of March, 1841, and resumed the 1st. of July, 1842, and paid specie for her notes about one week, when she again suspended, and has not redeemed any of her paper in specie since. That he had presented at the counter of the bank, her notes for redemption, and she had refused payment. That the officers of the bank threatened to shoot the constable of Dubuque, if he persisted in attempting to serve a writ of attachment on the property of the bank, or if he attempted to open the doors of the institution. That Mr. Quigley, one of the directors, has a notice in his store, "*Notes of the Miners' Bank of Dubuque, taken here.*" He paid him (Mr. Fales,) forty cents on the dollar. That the notes were worth from thirty-seven to forty cents on the dollar when he left home, and that he believed nearly every person wanted the institution wound up, excepting those interested in it.

Mr. Timothy Davis, one of the bank directors, testifies, that for the purpose of qualifying him to act as director, he was handed a certificate of fifty dollars for stock paid into the bank, when in fact he was not interested in the institution one cent, and intended to return the certificate when he ceased acting as director. That Messrs. Farley, Waples, Quigley and Wallard, were qualified and became directors at the same time and in the same manner that he did. That in July last, the St. Louis Gas Light Company deposited in Galena twenty thousand dollars, for the purpose of receiving the Dubuque money, and that the bank did redeem for about one week in July last. That there



are outstanding notes of the bank; besides what are in the hands of the Gas Light Company, eight thousand dollars; to redeem which the bank has about one thousand dollars in specie. Lately the interest of the Gas Light Company in said bank, has been transferred to Thomas Mather, of Springfield, President of the State Bank of Illinois.

Mr. Mobley, of Springfield, testifies, that Dr. Barrett and Thomas Mather are the principal owners of the bank, and that they expect to recusatate it. That he was employed by them to examine the condition of the institution. That Saint John, of St. Louis, was permitted to become a stock holder to the amount of forty thousand dollars, by giving his notes to the institution, and afterwards became indebted to the bank by way of loans, fifty-seven thousand dollars, all of which is a clear loss to the institution, with the exception of the difference in the worth of the stock when taken, and now which is but a trifle, for it was worth nothing then, nor is it worth any thing yet. The above loss was occasioned by Saint John's failure in business, and by his having taken the benefit of the Bankrupt act.

[Your committee in justice to the bank and those friendly to it, deem it to be their duty to say, that they have only given such parts of the testimony as they believed to be material and relevant to the points in issue.]

From the foregoing testimony, it will be seen that in three essential particulars, the charter of the Miners' Bank of Dubuque, has long since been violated and consequently forfeited, to wit:

1st. By commencing business before the required amount of the capital stock subscribed had been paid in, as appears by the testimony of Mr. Fales. The 20th sec. of the charter expressly provides that the "bank shall not issue any bill or note until the sum of forty thousand dollars in the legal coin of the United States shall be paid into the corporation by the stockholders as a part of the stock." The testimony states that "the stock subscribed was never paid in any other manner than by the stockholders giving their notes to the institution." Here then was a violation, and consequently a forfeiture of the charter by the bank in its first attempt to do business in its corporate capacity, because it proceeded illegally, and directly contrary to the provisions of the act which gave it existence. The design of such a provision was doubtless to secure the public against loss or imposition from the issues of said bank. The public would naturally look to the law to ascertain the terms of the charter, and the security they would have in receiving the notes of the bank. They would find that the law stipulated for forty thousand dollars, "in the legal coin of the United States," as the basis of the first issue. Relying upon the security thus provided for by the law, and not suspecting that the bank would act otherwise than in good faith towards the public and in strict compliance with the requisitions of its charter, the community generally were induced to receive its notes and to give currency and credit to the same. What



amount was actually paid in, your committee have not been able to ascertain—but are inclined to believe that it was small, compared with the amount stipulated for in the act granting the charter. This sum, however, be it great or small, does not and cannot alter or affect the illegal proceeding of the bank. To commence business upon any amount less than that specified in the charter, was a violation and a forfeiture of that charter, and a fraud upon the public. If it was legal to commence operations before the full amount provided for had been received, it would have been equally legal to have commenced operations before the first cent of its capital had been counted. And if the bank designed to commit a fraud upon the public, it might have based that fraud upon a capital of three cents with the same legality as upon a capital of three thousand dollars. The result would have been the same in law, the same to the public, and from all your committee can learn, the same to the bank. Your committee would further add, that they have not been able to ascertain that ANY stock was paid into the bank otherwise than by the individual notes of the stockholders—and they have therefore come to the conclusion that it is most probable that not one cent of the capital stock has ever been paid “in the legal coin of the United States.” This being the case, it is not only clear that the charter was violated, but that it was most wantonly violated, and a base fraud perpetrated upon public confidence, which should meet as it merits, the most swift and effective correction.

2d. Your committee are also of opinion that the charter of said bank was violated and forfeited by the election of individuals, as directors, who owned no stock in the bank. The 5th sec. of the law confirming the charter, says, “*the directors shall all be stockholders in this institution.*” The testimony of Mr. Davis shows that he (Mr. Davis) was elected a director of that institution—and that to “qualify him to act he was handed a certificate of \$50 for stock paid in, while in fact he did not own a cent of the stock, and intended to return the certificate when he ceased to act as a director.” And further, that Messrs. Farley, Waples, Quigley and Wallard, were qualified and made directors in the same manner that he had been; to wit; by having handed them each a certificate of stock, while in reality neither of them owned a cent in the institution. In the opinion of your committee, this mode of “qualifying” individuals as directors in an institution in which they own no stock, is contrary to the spirit of the law granting the charter; a gross evasion of its provisions—and a reckless abuse of its privileges, which ought to be met not only with the severest public reprehension, but with an immediate and absolute repeal of the authority under whose abused provisions this dishonest practice has been so frequently committed. The law contemplates a *bona fide* ownership of stock in the institution to qualify an individual to become a director. The testimony shows that at least five of the directors are not owners of any stock in the institution, and that the certificates which they *hold*, but *do not own*, were *handed* them merely to qualify them for the time being,



and this too, it would seem, with the implied understanding that they should return these certificates to the bank when they ceased to act in the capacity of directors. Your committee doubt whether even the technicalities of a court of law, would tolerate this evident evasion of the provisions of the charter—but be this as it may, confident your committee are, that the public judgment would revolt at such an unscrupulous abuse of incorporated power, and so reckless a disregard of the public interest.

3d. The third and greatest delinquency of the bank, and which, in itself, in the opinion of your committee, works an absolute forfeiture of its charter, in its entire suspension of specie payments. The latter part of the 10th section of the charter provides that “bills or notes, which may be issued by order of said corporation, promising the payment to any person or persons, his, her or their order or bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same in like manner, and with like force and effect, as upon any private person or persons, if issued by him, her, or them, in his, her, or their private or natural capacity or capacities, and shall be assignable and negotiable in like manner, as if they were issued by such private person or persons; *and all such bills, obligatory and of credit, and such bills, notes and post notes, issued as aforesaid, shall be paid by the said corporation when demanded at their banking-house, in the legal coin of the United States.*”

The testimony of one of the witnesses shows, what is already a matter of public notoriety, that the said bank suspended specie payment about the last of March, 1841, and remained in a state of suspension for a period of fifteen months, at the end of which time (about the 1st. of July, 1842,) it resumed, and continued specie payments for one or two weeks, when it again suspended, and has remained suspended from that time up to the present, a period of some seven months. Thus, for the twenty-two months past, excepting one or two weeks, the said bank has uniformly refused to pay specie according to the terms of its charter upon all such of its notes, as have been presented at its counter; thereby not only violating its charter, but inflicting a deep injury upon the holders of its bills, who are compelled unavoidably to bear whatever ruinous discount must ensue upon said bills being dishonored by the bank itself. The last section of the charter (23) provides, “that if said corporation shall fail to go into operation, or shall abuse or misuse their privileges under this charter, it shall be in the power of the Legislative Assembly of this Territory, at any time, to annul, vacate and make void this charter.”

If there were no other authority by which the Legislature could repeal the charter of said bank, the provision just quoted would certainly confer that authority to the fullest extent. But your committee hold that any subsequent Legislature has the right to repeal any of the acts of a preceding Legislature, whether there be a repealing clause in



said act or not; because one Legislature has no more right to trammel the acts of a succeeding one than it has to shackle posterity with taxes. And your committee hold that it is not only the right, but the duty of the Legislature, to repeal any act which is odious to the people, or is, or may be made dangerous to, or destructive of their interests.

The act conferring the charter of the Miners' Bank of Dubuque, your committee believe to be peculiarly subject to these objections. It is odious because it is shameless and reckless in the abuse of its privileges, and has been and is destructive of the interests of the people, because by its suspension it has swindled and is now daily swindling the public out of large sums of money in the consequent depreciation of its notes.

Your committee also hold that, by commencing business before the requisite amount of the legal coin was paid in, by making directors of individuals who owned no stock in the institution, and by refusing to pay specie for its notes, the charter of said bank has been already forfeited, because the act giving it existence, provides expressly against each and all of these abuses. And your committee further believe, that all the proceedings of the bank in its corporate capacity, subsequently to the forfeiture of its charter by reason of either of the above abuses have been fraudulent and that the directors are subject to prosecution accordingly. But, be this opinion right or wrong, your committee think there can be no doubt as to the fact of the forfeiture of the charter, and more especially no doubt, as to the power of the Legislature to annul and vacate the same.

And taking into consideration the monstrous abuse which have been already committed by this corrupt institution, together with the injury it may yet inflict, if not deprived of all appearance of corporate vitality, your committee would again recommend to the House the immediate passage of the bill referred to them, which provides for the unconditional repeal of the charter of said bank, and for winding up of the affairs of the same.

It has been suggested that on the dissolution of a corporation, its real estate reverts to the former owner, who had conveyed it to the corporation, and a decision of the Court in Indiana in the case of the State Bank vs. the State, is referred to as the ground of such an opinion. Your committee, upon examination, are well satisfied that such is not the doctrine of law. A corporation may hold an estate in fee simple as an individual may. It is a person civil in law, and has the same capacity for taking and holding real estate as a person natural.

It has been well said that a wise judge will not be too free in assigning reasons for his opinion: and the force of the saying is very apparent in the above case. That was not the point to be decided, nor was it the principal reason that led the court to its conclusion. It was thrown in as a make weight. The question before the court was as to



the validity of a certain judgment which directed the property, including real estate, to be seized as *forfeited* by a violation of its charter, and the court well decided that its real estate was not forfeited, but only its franchise. The act now before the Legislature does not contemplate a forfeiture of the real estate of the bank, nor direct it to be seized as forfeited for the public. It directs and carries into effect an assignment of the property for the benefit of the creditors, in the manner and for the purpose that a bankrupt's estate is passed to assignees.

In the case quoted for the very singular doctrine that a corporation looses its real estate by its dissolution, there seems to be a misapplication of a very plain common sense doctrine in relation to tenure of particular estates held by certain kinds of corporations for special limited purposes. When that doctrine was first established, corporations were altogether or mostly eleemosynary and municipal, that, is for charitable, religious and literary purposes, or for the government of the towns and districts, and their estates came to them by gift, for some special purpose limited in the devise or deed, as to construct certain edifices, or to maintain certain officers proper to their government of the city, or to the instruction or support of the beneficiaries. A grant made in the same way to an *individual* would stand on the same ground as a grant to a corporation, and when the estate was no longer used for the intended purpose, it would revert to the grantor.— There was also an act passed in the English Parliament, in the reign of Elizabeth, restricting corporations in this particular, which has had much control over the decisions in that country, but which was never adopted in this.

But the above doctrine has no application whatever to estates purchased in fee without condition, which can be as well made by corporations as individuals. (See Bacon's Abr. vol. 2, p. 262, and Am. Com. Law, vol. 3.) But even if it were otherwise, and the estate would, in all cases, revert by the common law. Still this case does not depend on the common law, but on statute. By the act for incorporating the bank, section 4, it is enacted that the bank shall be capable of purchasing and holding any estate. The words are very general and broad, and must be taken to include a fee simple or other estate, as there is no limitation. And while the corporation is yet in existence and before it is dissolved, and of course before there can be any forfeiture of its estate, in any view, by reason of its dissolutions, another statute (the bill now before us) steps in and assigns the property for the benefit of creditors. We have no doubt the Legislature could do this, even on the supposition, that the doctrine of reversion was correct to the full extent.

One or two instances of the operation of such a doctrine as that contended for, may be more satisfactory to some, than the reasoning of your committee. The State Bank of Illinois has real estate exceed-



ing in value, one million of dollars, and the late Bank of the United States had a banking house erected at a cost of six hundred thousand dollars, all of which, if the doctrine of reversion be true, would go back to those persons who sold the land to these banks, and received their pay therefor.

All of which is respectfully submitted with a request, that the committee be discharged from the further consideration of the subject.

Mr. Rogers moved to lay said bill on the table;

Which was agreed to; when,

On motion of Mr. Rogers,

The House adjourned until 2 o'clock, P. M.

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#### TWO O'CLOCK, P. M.

The report of the committee to whom was referred,  
No. 23, H. R. file, A bill to repeal the charter of the Miners' Bank of Dubuque, and to provide for the winding up of the affairs of the same; was,

On motion of Mr. Hepner,

Taken from the table and read; when,

On motion of Mr. Walworth,

The same was ordered to lie on the table until to-morrow.

No. 37, C. file, An act to authorize William Benham and David B. Sears to keep a ferry;

Was read a second time; and,

On motion of Mr. Robertson,

The same was ordered to be read a third time on to-morrow.

No. 24, C. file, A bill to authorize evidence by the oath of parties;

Was read a third time, passed and title agreed to.

No. 48, H. R. file, A bill providing for and regulating general elections in this Territory;

Being the order of the day, was considered in committee of the whole, Mr. Steele in the chair; and,

After some time spent therein, the committee rose, and, by their chairman, reported progress, and asked leave to sit again;

Which was granted.

No. 45, H. R. file, A bill to provide for assessing and collecting County and Territorial revenue;

Being the order of the day was resumed in committee of the whole, Mr. Rogers in the chair; and,



After some time spent therein, the committee rose and by their chairman reported the same back to the House with sundry amendments.

The question on agreeing to the amendments, was taken separately.

The first amendment, viz: insert after the word "dollar" in the fourth line of the first section, "the property of all bodies corporate or politic, all capital employed in merchandising, all capital employed by exchange brokers, all capital employed by money lenders, all distilleries, and all stock in steam boats; was agreed to.

On the question, will the House agree to the second amendment, to the first section, namely, strike out the word "sheep," in the seventh line?

The yeas and nays were ordered;

Yeas 16, Nays 7.

Those who voted in the affirmative were,

Messrs. Andros,	Felkner,	McCulloch,
Barton,	Goddard,	Sales,
Berry,	Hepner,	Swearingen,
Briggs,	Jay,	Wilson,
Bunker,	Lewis,	Speaker.
Culbertson,		

Those who voted in the negative were

Messrs. Brierly,	Newell,	Rogers,
Hackleman,	Robertson,	Steele.
McMillan,		

So the amendment was agreed to.

The question upon agreeing to the amendment to the seventh section, to wit: strike out the following:

"First rate shall be valued at eight dollars per acre; second rate at five dollars per acre; third rate at three dollars per acre; fourth rate at two dollars per acre, and fifth rate at one dollar and twenty-five cents per acre."

And insert:

"All lands shall be valued at their true value in money, taking into consideration the fertility or quality of the soil, the general improvement of the country, the vicinity of the same to public roads, towns, villages, navigable rivers, water privileges on the same or other public improvements with any other local advantages of situation, having no reference to the value of the improvements upon each particular farm upon actual view of the premises."

Upon which question the yeas and nays were ordered;

Yeas 16; Nays 10.



Those who voted in the affirmative were,

Messrs. Barton,	Felkner,	Sales,
Berry,	Goddard,	Swearingen,
Blair,	Jay,	Walworth,
Briggs,	McMillan,	Wilson,
Bunker,	Newell,	Speaker.

Those who voted in the negative were,

Messrs. Andros,	Hepner,	Robertson,
Brierly,	Lewis,	Rogers,
Culbertson,	McCulloch,	Steele.
Hackleman,		

So the motion was agreed to.

The following amendments were then severally read and concurred in, namely:

Strike out the ninth section, and insert:

"That all personal property shall be taxed according to its real value in cash, which shall be determined by the assessor."

In the 14th section, strike out "three per cent. on the total amount of assessed value by them returned in each township (or precinct)," and insert "the sum of two dollars per day."

In the 17th section, first line, strike out "August," and fill the blank in said section, "with double the amount of taxes assessed in his county."

In the 25th section, after the word "annum" in the 10th line, insert "And the Clerk shall note the same in a book to be kept by him for that purpose, and redeem said lands from said purchasers, for which said Clerk shall receive as a compensation for such redemption, the sum of twenty-five cents for each eighty acres, and the same for each town lot, which sum said claimant shall pay said Clerk before redemption." Also after the word "minors" in the 17th line of said section, insert "insane persons, or persons in confinement."

In the 36th section, strike out all after the word "county," in the second line.

In the 37th section, second line, strike out "his county" and insert "their counties;" in the third line, strike out "him" and insert "them;" in the fourth line, strike out "he" and insert "they."

In the 40th section, in the fifth and sixth lines, strike out "without due diligence."

And on the question, will the House concur in the second amendment to said 40th section, to wit: In the eighth line strike out "ten," and insert "twenty?"

The yeas and nays were ordered.

Yeas 16, Nays 8.



Those who voted in the affirmative were,

Messrs. Andros,	Felkner,	Rogers,
Berry,	Hackleman,	Sales,
Brierly,	Hepner,	Steele,
Briggs,	Lewis,	Speaker.
Bunker,	McCulloch,	
Culbertson,	Robertson,	

Those who voted in the negative were,

Messrs. Barton,	Jay,	Swearingen,
Blair,	McMillan,	Wilson.
Goddard,	Newell,	

So the amendment was concurred in.

The following amendment to the 50th section, to wit: After "1841" insert "and all other acts contravening this act;" also after the word "to" in the second line of the 56th section, insert "the election of," and after "assessors" insert "in each township or precinct;"

Which amendments were concurred in.

Mr. Swearingen then moved

To amend the 56th section in the second line, by striking out "Monday" and insert "day;"

Which was agreed to.

Mr. Wilson then moved

To amend the 39th section, by striking out "five" in the first line and inserting "four;"

Which was lost.

Mr. McMillan moved

To strike out all of section 7, after the word "Territory" in the 11th line;

Which was lost.

Mr. Felkner then moved

To amend the 25th section, by striking out all after the word "redeemable" in the 18th line, and inserting "within one year after such disability shall have been removed;"

Which was agreed to.

Mr. Hackleman moved

To refer the bill to a select committee of three;

Which was agreed to; and

The chair appointed Messrs. Hackleman, McMillan and Newell, said committee; when,

On motion of Mr. Briggs

The House adjourned.



TUESDAY MORNING, JANUARY 24, 1843.

The House met pursuant to adjournment.

Mr. Robertson presented the petition of Laurel Summers, asking the allowance of a certain claim; which,

On motion of Mr. Robertson,  
Was referred to the committee on claims.

Mr. Goddard offered the following:

Resolved, That the committee to whom was referred,  
No. 45, H. R. file, A bill to provide for assessing and collecting  
County and Territorial revenue;

Be instructed so to amend said bill, as that it shall establish the principle of assessing all the real and personal property, at what it shall be worth in cash, including the improvements on claim land, to be assessed as personal property, except such property as shall be exempted by law.

Upon which the yeas and nays were ordered;

Yeas 16, Nays 8.

Those who voted in the affirmative were,

Messrs. Barton,	Goddard,	Newell,
Berry,	Hepner,	Robertson,
Blair,	Jay,	Sales,
Brierly,	Lewis,	Wilson,
Bunker,	McCulloch,	Speaker.
Felkner,		

Those who voted in the negative were,

Messrs. Andros,	Hackleman,	Steele,
Briggs,	McMillan,	Swearingen.
Culbertson,	Rogers,	

So the resolution was adopted.

Mr. Bunker gave notice that he would, on some future day, ask leave to introduce

A bill to change the location of a certain Territorial road in Washington county.

Mr. Felkner, from the committee on Public Buildings, to whom was referred the report of the Territorial Agent, reported,

No. 65, H. R. file, A bill to define the duties of the Territorial Agent and for other purposes;

Which was read a first time; and,

On motion of Mr. Hepner,



Fifty copies of the same was ordered to be printed.

Mr. Lewis, from the committee on enrolled bills, reported that they had examined,

A joint resolution requesting our Delegate in Congress to procure the establishment of a post office, and for other purposes.

An act for the relief of Denton J. Snyder.

An act to relocate a part of a Territorial road in Henry county.

And find the same correctly enrolled.

The committee have also laid before the Governor on the 24th instant, for his approval:

An act to legalize the acts of George Duden a justice of the peace.

An act to authorize the County Commissioners of Johnson county, to vacate a part of a Territorial road leading from Wyoming to Iowa City, also to relocate a part of said road.

Mr. Bunker on previous notice and leave granted, introduced

No. 66, H. R. file, A bill granting further time to Henry Harden to file a plat of a certain Territorial road in the office of the Secretary;

Was read a first time.

Mr. Newell asked and obtained leave of absence for Mr. Thornton, until to-morrow.

No. 57, H. R. file, A bill for establishing the prices of the public printing;

Was read a third time; and

On motion of Mr. Barton,

The same was referred to a select committee of three.

The chair appointed Messrs. Barton, Hepner and Walworth said committee.

No. 34, H. R. file, A bill for the relief of Walter Butler;

Was read a third time.

Mr. Newell moved

A call of the House, which was had;

And after some time, the absent members appearing in their seats, the further call of the House was

On motion of McMillan,

Dispensed with.

The question recurring upon the passage of the bill, and,

Upon which question the yeas and nays were ordered;

Yeas 13, Nays 12.

Those who voted in the affirmative were,

Messrs. Andros,

Barton,

Brierly,

Briggs,

Culbertson,

Felkner,

Goddard,

Hackleman,

McCulloch,

Robertson,

Rogers,

Steele,

Swearingen.



Those who voted in the negative were,

Messrs. Berry,

Blair,

Bunker,

Hepner,

Jay,

Lewis,

McMillan,

Newell,

Sales,

Walworth,

Wilson,

Speaker.

So the bill passed and title was agreed to.

No. 37, C. file, An act to authorize William Benham and David B. Sears to keep a ferry;

Was read a third time, passed and title agreed to.

Mr. Barton, from the select committee, to whom was referred

No. 57, H. R. file, A bill to establish the prices for public printing;

Reported the same back to the House with amendments, which were concurred in; when,

On motion of Mr. McMillan,

The 42d rule was suspended, and the same

Was read a third time, passed and title agreed to.

No. 61, H. R. file, A bill to establish a Seminary of learning at Nashville;

No. 63, H. R. file, A bill for the relief of B. W. Gillock, ex-Sheriff of Lee county;

And,

No. 64, H. R. file, A bill to establish a certain Territorial road;

Were severally read a third time, passed and titles agreed to.

No. 8, C. file, Joint resolution instructing our Delegate in Congress to procure an amendment to the Organic law;

Being returned from the Council with a message informing the House, that the Council insist upon their disagreement to the amendments of the House, and have appointed a committee of conference in relation thereto, being under consideration,

Mr. Robertson moved,

That a committee of conference, on the part of the House, be appointed in relation to the same;

Which was agreed to; and,

The Chair appointed Messrs. Robertson, Hepner and Andros, said committee.

No. 44, C. file, A bill to relocate the Territorial road leading from Burlington, in Des Moines county, via. Fort Madison in Lee county, to the bridge on Sugar creek in said county;

Was read a first time.

No. 48, H. R. file, A bill providing for and regulating general elections in this Territory;

Was resumed in committee of the whole, Mr. Robertson in the Chair; and,

After some time spent therein, the committee rose, and by their chairman reported progress asked leave to sit again;



Which was granted.

The following message was received from the Council, by Mr. Fales, their Secretary:

Mr. Speaker—The Council have passed

No. 22, H. R. file, Memorial for a grant of land for a canal at each of the Rapids of the Mississippi river.

No. 33, C. file, An act concerning mortgages.

No. 38, C. file, An act to regulate weights and measures.

No. 41, C. file, An act regulating mills and millers, and for other purposes.

No. 49, C. file, An act for opening and regulating roads and highways.

No. 59, H. R. file, An act to amend an act entitled an act for the incorporation of the town of Farmington.

No. 60, H. R. file, An act to legalize the location of certain Territorial roads.

On motion of Mr. McMillan,  
The House adjourned.

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## TWO O'CLOCK, P. M.

On motion of Mr. McMillan,

No. 48, H. R. file, A bill providing for and regulating general elections in this Territory;

Was resumed in committee of the whole, Mr. Robertson in the chair; and,

After some time spent therein, the committee rose, and by their chairman reported the same back to the House with sundry amendments;

Which were concurred in; when,

On motion of Mr. Barton,

The same was referred to a select committee of three.

The Chair appointed Messrs. Barton, Andros and Sales, said committee.

The following message was then received from the Council, by their Secretary, Mr. Fales:

Mr. Speaker—I herewith return

An act to amend an act to incorporate the city of Dubuque.

An act for the relief of Denton J. Snyder.

An act to relocate a certain Territorial road.



An act to relocate a part of a certain Territorial road in Henry county.

A joint resolution requesting our Delegate in Congress to procure the establishment of a post office, and for other purposes.

All of which have been signed by the President of the Council.

Mr. Walworth, from the committee, to whom was referred, No. 23, H. R. file, A bill to repeal the charter of the Miners' Bank of Dubuque and to provide for winding up the affairs of the same;

Submitted the following as the minority report of said committee:

The undersigned members of the select committee to whom was referred said bill, would respectfully represent that they cannot agree with the majority of said committee in recommending the passage of the above bill without amendment, for the following reasons:

1st. Because, by a full and unconditional repeal of the charter of a private corporation, all its real estate reverts to the grantor and his heirs. The personal estate in England vests in the king, and in this country in the people or state. The debts due to and from it, are totally extinguished, so that neither the members or directors of the corporation can recover or be charged with them. For authority, see Angel and Ames, page 513; for further authority, see Harrington's Reports, page 115, in the case of the Commercial Bank vs. Lockwood, administrator. Upon this page, reference is made to Blackford's Indiana Reports, page 267. It is there held that the lands of the corporation reverted to the grantor and his heirs, and its goods and chattels vested in the state, at the moment of the civil death of the corporation, and that the debts due to and from it, were extinguished by the dissolution, so that it was impossible in the nature of things to seize the rights and credits, because their existence ceased the instant the claim of the state accrued, which was the instant the corporation was dissolved, and at that instant the debts were extinguished and had ceased to exist. The forfeiture of the charter and the seizure of the property and debts were decreed by the Court below, in one and the same sentence, the Supreme Court decided that a judgment to seize the debts, given in the same breath with that of the forfeiture, could not be sustained, because the debts were extinguished and forever gone the moment the corporation was dissolved, and that they could never be recovered by suit.

Thus, it will be seen, that should the bill pass and become a law, as reported to this House by Mr. Rogers, the entire assets of the Bank, amounting to over \$60,000, would be entirely lost to the bill-holders and creditors.

The undersigned also object to the other provisions of the bill, which provide that the Trustees shall be appointed by the Judge of the third Judicial District, with full power to take possession of the entire assets of the Bank, to collect and pay over its money, and settle all its affairs, and those Trustees to give bonds to be approved by said Judge, and



that the time allowed for winding up may be extended by said Judge, and that the pay to be allowed to the Trustees shall be fixed by said Judge, and that they shall be required to report their doings to the said Judge from time to time, as may be required by him; and also that they shall make their final report to the said Judge, and the said Judge shall sit in judgment in all suits to which the Bank is a party. Thus, it will be seen, that the whole assets of the Bank are placed in the hands or control of a single individual. The undersigned would here say that they have the fullest confidence in the person here alluded to, and believe him to be a gentleman of unimpeachable integrity, but yet they are opposed to the principle of concentrating powers in the hands of any individual, unguarded by proper checks to its abuse.

The undersigned, therefore, deem the bill, as reported by a majority of the committee, as exceedingly objectionable in nearly all its provisions, and indicating a total disregard of the interests of the stockholders, bill-holders and creditors of the Bank.

The undersigned have examined under oath several witnesses in relation to the former management and present condition of the Bank. By reference to the charter, it will be seen that it was chartered on the 30th day of November, 1836. From the testimony it appears that she continued to do business, paying specie on all her liabilities for between four and five years. She first suspended specie payment in March, 1841, which was several months after the banks in Illinois and elsewhere had suspended. She remained in a state of suspension until July, 1842, during which time she continued to redeem her notes in other current funds, such as the bills of the Illinois, Indiana, and Kentucky banks. She also had arrangements made with the Land Office, by which the bills were received to some small extent in payment for land. She also accommodated the citizens to some extent by paying specie in small amounts for her bills of the denomination of five dollars.

On resuming, she paid specie a short time both in Dubuque and St. Louis—paid out in Dubuque about \$19,000 and in St. Louis \$6,000, making in all about \$25,000; all of which has been paid out since she has put any of her bills in circulation.

She had arrangements made by which \$20,000 was deposited in Galena, subject to her order; \$10,000 of which was countermanded. By which dissatisfaction, she was compelled to suspend, having in circulation at this time \$8,000 not within the control of the stockholders.

At this time, the Territory was owing the Bank \$5876, which was for money borrowed by Jesse Williams, the Territorial Agent, and expended on the Capitol. This sum, together with the specie then in the possession of the Bank, would have been sufficient to have redeemed



all the money the Bank then had in circulation, not in the hands of the stockholders.

The following is a statement of the present condition of the Bank as handed in to the committee by one of the witnesses, Mr. Mobly, who testified that it was taken from the statement of the Cashier, and that he, the witness, examined the books and papers of the Bank, and counted the cash on hand which agreed with this statement:

Real estate owned by the bank,	-	-	\$16,387 13
Personal property,	-	-	1,481 37
Amount due from other banks and individuals on account,	-	-	820 95
From Iowa Territory,	-	5,876 25	
" Wisconsin,	-	803 35	
" Dubuque co.,	-	500 00	
		<hr/>	7,179 50
Specie on hand,	-	-	1,032 33
			<hr/>
Total amount of assets,	-	-	\$60,730 26

#### LIABILITIES.

Whole amount of notes in circulation as per Cashier's statement,	-	-	113,190 00
Of this amount \$105,190 is in the hands of stockholders leaving in other hands to be redeemed the sum of	-	\$8,190 00	
All other immediate liabilities,	-	7,897 00	
		<hr/>	16,080 27

Balance in favor of the Bank,	-	-	<u>\$44,649 99</u>
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The undersigned would here say that they were not able to ascertain from any testimony before the committee, whether the full amount of stock was paid in according to the provisions of the charter or not.

The following questions were submitted to two of the witnesses, Mr. Davis and Mr. Fales in writing:

How much stock was originally paid in?

Mr. Fales answered in writing—"DON'T KNOW."

Mr. Davis answered the same.

How was it paid in?

Mr. Fales answered in writing—"Heard that some paid in money and others gave stock notes."

Mr. Davis answered the same.

The other witness, Mr. Mobley, stated that the books showed one hundred thousand dollars paid in, but he did not know in what it was paid.

It also appears from the testimony, that Mr. St. John of St. Louis,



had become largely indebted to the bank, that he had purchased of the Cashier, \$40,000,00 of the stock, owned by men in New York or some of the Eastern cities, for which he gave his notes, and that these notes became the property of the Bank; and, also that the Bank loaned to him \$57,000,00; that the Bank had recovered from St. John the \$40,000,00 of stock, but that the balance will be lost.

Thus it appears that the Bank has sustained large losses, but that those losses have fallen principally upon the stockholders, as she has redeemed all her circulation not in the hands of the stockholders, except about \$8,000.

It appears from the testimony that the Bank has suspended specie payment, and that she is now in a state of suspension.

It appears that the stock of the Bank changed hands some time in June or July last, and it is but justice to those in whose hands it has been since that time, to say that they have evinced no disposition to swindle or deceive the community, but, on the contrary, that they have redeemed by paying specie, about \$25,000 of the bills of the Bank, and have put none of its notes in circulation. It is further due to the present directors, to say, that from the testimony, as well as the acknowledgement of those most opposed to the Bank, that they are men of unimpeachable integrity, in whose honesty and business capacity, the community have the fullest confidence.

The undersigned, however, deeming all Banks which do not at all times and under all circumstances, pay specie for all their liabilities as unsafe and dangerous to the best interest of the community, and in order to protect the community against unsound and spurious currency, they deem it inexpedient to legalize or justify Bank suspensions and therefore have prepared a bill providing for the closing and winding up of the affairs of the Bank, in such manner as will secure the assets of the Bank to its creditors, which bill, they will submit at the proper time.

GEO. H. WALWORTH,  
EVAN JAY,  
R. D. BARTON,  
JO. NEWELL.

On motion of Mr. Newell,

No. 23, H. R. file, A bill to repeal the Miners' Bank of Dubuque, and to provide for winding up the affairs of the same;

Was taken from the table and considered in committee of the whole, Mr. Swearingen in the chair, and

After some time spent in considering the same, the committee rose and by their chairman reported the same back to the House with amendments;

The question upon said amendments was taken separately.



The first amendment, to wit: Strike out the first section of the bill and insert the following:

"Be it enacted by the Council and House of Representatives of the Territory of Iowa, That an act to incorporate the stockholders of the Miners' Bank of Dubuque, is hereby declared null and void so far as said act grants to said bank any privileges to loan money, discount paper, or do any other banking business; Provided, That the first section of this bill, shall not be so construed as to prevent the Trustees hereinafter provided for, from collecting and paying all debts due to and from said bank, or from doing such other business as may be necessary for closing and winding up the affairs of the same;"

Was put and agreed to.

The second amendment, to wit: Strike out the second section and insert the following:

"The Judge of the second judicial district of the Territory, is hereby authorized to appoint two Trustees who shall have power to settle the affairs of the said bank to sell and convey the personal and real estate thereof, and to collect and pay the debts of the same. The said Trustees shall have authority to sue for and recover the debts and property of the said bank by the name of the Trustees of the Miners' Bank of Dubuque;"

Upon which question the yeas and nays were ordered;

Yeas 11; Nays 14.

Those who voted in the affirmative were,

Messrs. Barton,	Lewis,	Steele,
Blair,	McMillan,	Walworth,
Bunker,	Newell,	Wilson.
Jay,	Sales,	

Those who voted in the negative were,

Messrs. Andros,	Felkner,	Robertson,
Berry,	Goddard,	Rogers,
Brierly,	Hackleman,	Swearingen,
Briggs,	Hepner,	Speaker.
Culbertson,	McCulloch,	

So the amendment was lost.

The question upon agreeing to the following amendment of the committee, being an additional section, to wit:

"That all property, real or personal, belonging to said bank, which may be disposed of by said Trustees, under the provisions of this act, shall be at public out-cry by giving at least thirty days notice of the same;"

Which was agreed to.

The question upon agreeing to the following amendment of the committee being an additional section, to wit:



"That, if there shall not be sufficient assets of said bank to pay all the liabilities of said corporation, the same shall be appropriated first, to the payment in full of the necessary expenses of winding up and closing the affairs of said corporation, and then pro rata on all the legal liabilities of the said corporation, but no payment shall be made on account of stock of said bank, until all other legal liabilities shall be first paid;"

Which was disagreed to by the House.

The following amendment as an additional section, to wit:

"The present directors of the Miners' Bank of Dubuque, shall act as Trustees of the stockholders and creditors of the same, until the Trustees provided for, by this act, shall be appointed;"

Which was concurred in.

Mr. Walworth then moved

Further to amend as follows:

"That no advantage shall be taken by the debtors of the said bank by reason of the bank having at any time failed to comply with the provisions of its charter."

Upon which question the yeas and nays were ordered;

Yeas 12; Nays 13.

Those who voted in the affirmative were,

Messrs. Barton,	Lewis,	Steele,
Blair,	McMillan,	Swearingen,
Bunker,	Newell,	Walworth,
Jay,	Robertson,	Wilson.

Those who voted in the negative were,

Messrs. Andros,	Felkner,	Rogers,
Berry,	Goddard,	Sales,
Brierly,	Hackleman,	Speaker.
Briggs,	Hepner,	
Culbertson,	McCulloch,	

So the motion was lost.

Mr. McMillan then moved

That the bill be engrossed and read a third time to-morrow.

Upon which the yeas and nays were ordered;

Yeas 25, Nays 0.

Those who voted in the affirmative were,

Messrs. Andros,	Culbertson,	McCulloch,
Barton,	Felkner,	McMillan,
Berry,	Goddard,	Newell,
Blair,	Hackleman,	Robertson,
Brierly,	Hepner,	Rogers,
Briggs,	Jay,	Sales,
Bunker,	Lewis,	Steele,



Swearingen,  
Walworth,

Wilson,  
Speaker.

So the motion was agreed to by a unanimous vote.

On motion of Mr. Newell,  
The House adjourned.

### WEDNESDAY MORNING, JANUARY 25, 1843.

The House met pursuant to adjournment.

Mr. McMillan presented the petitions of sundry citizens of Henry county, asking the passage of a stay law as therein provided; which,

On motion of Mr. McMillan,  
Were laid on the table.

Mr. Robertson presented the petition of sundry citizens of Scott, Muscatine and Johnson counties, asking the establishment of a certain Territorial road.

Mr. Robertson moved

To refer the same to the committee on roads and highways, with instructions to report by bill or otherwise.

A division of the question was called for; and,  
Upon which the yeas and nays were ordered;

Yeas 21; Nays 5.

Those who voted in the affirmative were,

Messrs. Andros,  
Barton,  
Berry,  
Blair,  
Brierly,  
Briggs,  
Bunker,

Culbertson,  
Felkner,  
Hackleman,  
Hepner,  
Jay,  
Lewis,  
McCulloch,

McMillan,  
Rogers,  
Sales,  
Steele,  
Swearingen,  
Wilson,  
Speaker.

Those who voted in the negative were,

Messrs. Goddard,  
Newell,

Robertson,  
Thornton,

Walworth.

So the motion was agreed to.

Mr. Andros presented the petition of sundry citizens of Clayton county, asking the removal of the seat of justice of said county; which,

On motion of Mr. Andros,

Was referred to the committee on township and county boundaries.



Mr. Jay presented the petition of sundry citizens of Centre township, Henry county, asking the privilege of electing an additional Justice and Constable for said township;

Which,

On motion of Mr. Jay,  
Was referred to the delegation from Henry county.

Mr. Lewis presented the petition of sundry citizens of Iowa Territory, asking the establishment of a certain Territorial road.

Which,

On motion of Mr. Lewis,  
Was referred to the delegation from Van Buren county.

Mr. Briggs presented the petition of sundry citizens of Jackson county, asking that a charter be granted for the establishment of an Academy, at Andrew in said county.

Which,

On motion of Mr. Briggs,  
Was referred to a select committee of three.

The Chair appointed Messrs. Briggs, Goddard and Andros, said committee.

Mr. Jay offered the following:

Resolved, That the regular hours of the meeting of this House hereafter shall be 9 o'clock, A. M. and 1 o'clock, P. M.

Which,

On motion of Mr. Jay  
Was laid on the table.

Mr. Lewis gave notice that he would, on some future day, ask leave to introduce

A bill to amend an act entitled an act to amend an act to incorporate the city of Keosauqua.

Mr. Robertson, on previous notice and leave granted, introduced No. 67, H. R. file, A bill to abolish imprisonment for debt.

Which was read a first time.

No. 68, H. R. file, An act to incorporate the Farmer's Half Breed Land Company, in the county of Lee;

Was read a first time; and,

On motion of M. McCulloch,  
Fifty copies of the the same was ordered to be printed.

Mr. Barton, from the committee on engrossed bills, reported that they had examined,

No. 23, H. R. file, A bill to repeal the charter of the Miners' Bank of Dubuque, and to provide for the winding up the affairs of the same.

And find the same to be correctly engrossed.



Mr. Berry, from the committee, to whom was referred the petition of sundry citizens of Cedar county, in relation hereto, introduced, No. 69, H. R. file, A bill regulating the licensing and retailing of spirituous liquors;

Which was read a first time.

Mr. McMillan, on previous notice and leave granted, introduced No. 70, H. R. file, A bill relative to the probate of wills, executors, administrators, guardians, trustees of minors and probate courts, and for defining their duties;

Was read a first time by its title; and,

On motion of Mr. McMillan,

Fifty copies of the same was ordered to be printed.

On motion of Mr. Hepner,

No. 69, H. R. file, A bill regulating the licensing retailers of spirituous liquors;

Fifty copies of the same was ordered to be printed.

Mr. Hackleman, from the select committee, to whom was referred No. 45, H. R. file, A bill to provide for assessing and collecting County and Territorial revenue;

Reported the same back to the House with amendments.

Mr. Felkner, upon previous notice and leave granted, introduced, No. 71, H. R. file, A bill to legalize the location of a Territorial road from Lyons to Iowa City;

Which was read a first time.

Mr. Briggs, from the committee on Territorial affairs, to whom was referred the petition of George Andrews, for relief, &c., together with a resolution upon the same subject, have had the same under consideration, and upon an examination of the same, find that the springs therein named was private property at the time, the said Andrews purchased the said lots adjoining the same. Taking this view of the subject, and not having any testimony before the committee, showing the petitioner is rightfully entitled to the relief as prayed for in the petition.

Therefore,

The committee do not feel warranted in recommending such relief. Your committee, therefore, ask to be discharged from the further consideration of the subject.

Mr. Lewis, from the committee on enrolled bills, reported that they had examined,

An act to amend an act entitled an act, for the incorporation of the town of Farmington.

An act to legalize the location of a certain Territorial road.

And find the same to be correctly enrolled.

The committee have also presented to the Governor for his approval on the 20th instant:



An act to relocate a part of a Territorial road in Henry county.

An act for the relief of Denton J. Snyder, Sheriff of Muscatine county.

An act to amend an act to incorporate the city of Dubuque.

An act to relocate a certain Territorial road.

A joint resolution requesting our delegate in Congress to procure the establishment of a Post Office, and for other purposes.

No. 66, H. R. file, A bill granting further time to Henry Harding, to file the plat of a certain Territorial road in the office of the Secretary;

Was read a second time; and

On motion of Mr. Bunker,

The same was ordered to be engrossed and read a third to-morrow.

No. 44, C. file, A bill to relocate the Territorial road leading from Burlington in Des Moines county, via Fort Madison in Lee county, to the bridge on Sugar Creek in said county;

Was read a second time; and,

On motion of Mr. Sales,

Ordered to lie on the table.

No. 65, H. R. file, A bill to define the duties of Territorial Agent and for other purposes;

Was read a second time; and,

On motion of Mr. Hepner,

The same was committed to the committee of the whole and made the order of the day for to-morrow.

No. 23, H. R. file, A bill to repeal the charter of the Miners' Bank of Dubuque and to provide for winding up the affairs of the same;

Was read a third time; and,

Upon the question,

Shall the bill pass?

The yeas and nays were ordered;

Yeas 26, Nays 0.

Those who voted in the affirmative were,

Messrs. Andros,

Barton,

Berry,

Blair,

Brierly,

Briggs,

Bunker,

Culbertson,

Felkner,

Goddard,

Hackleman,

Hepner,

Jay,

Lewis,

McCulloch,

McMillan,

Newell,

Robertson,

Rogers,

Sales,

Steele,

Swearingen,

Thornton,

Walworth,

Wilson,

Speaker.

Those who voted in the negative were—None.

So the bill passed and title was agreed to.



No. 33, C. file, An act concerning mortgages.

No. 38, C. file, An act to regulate weights and measures.

No. 41, C. file, An act regulating mills and millers, and for other purposes; and

No. 49, C. file, An act for opening and regulating roads and highways.

Were severally read a first time.

No. 52, H. R. file, A bill to prevent damage by the firing of prairies; Being the order of the day, the House resolved itself into committee of the whole for the consideration of the same, Mr. Walworth in the chair; and,

After some time spent therein, the committee rose, and by their chairman reported progress and asked leave to sit again;

Which was granted.

The following message was received from the Council, by their Secretary, Mr. Fales:

Mr. Speaker—The Council have passed

No. 22, C. file, An act subjecting real and personal estate to execution.

No. 50, C. file, An act to legalize the location of certain Territorial roads.

In all of which, the concurrence of the House is requested.

Also without amendment,

No. 29, H. file, An act regulating the keeping of stallions and jacks, and to improve the breed of horses.

On motion of Mr. Lewis,

The House adjourned.

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## TWO O'CLOCK, P. M.

Mr. McCulloch moved a call of the House, which was had.

Mr. Rogers asked and obtained leave of absence for Mr. Andros; when,

On motion of Mr. McCulloch,

The further call of the House was dispensed with.

No. 56, H. R. file, A bill relative to mechanics' liens, and for other purposes;

Being the order of the day in committee of the whole, Mr. Wilson in the chair; and,

After some time spent therein, the committee rose, and, by their chairman, reported the same back to the House with amendments;

Which were concurred in.



Mr. Sales offered the following as a substitute for section 10th:

"That the acts approved, December 17th 1838, relative to mechanics' liens and other purposes, and an act approved, January 16th, 1840, be and they are hereby repealed."

Which was agreed to; when,

On motion of Mr. McMillan,

The same was ordered to be engrossed and read a third time to-morrow.

No. 49, H. R. file, A joint resolution for the removal of the seat of government to Mount Pleasant;

Being the order of the day in committee of the whole, was so considered, Mr. Barton in the chair; and,

After some time spent therein, the committee rose, and by their chairman reported progress, and asked leave to sit again;

Which was granted.

On motion of Mr. McMillan,

No. 27, H. R. file, A bill to prevent and punish gaming;

Was taken from the table.

The question being upon concurring in the amendments made in committee of the whole;

The question was taken upon the first amendment of the committee, to wit:

The words "of chance" inserted after the word "games," in the fifth line of the 1st section.

Which was put and lost.

The question was then taken upon the second amendment, to wit: to strike out all of section 4.

Which was agreed to.

The question was then taken upon the 3d amendment, to wit:

Insert after the word "play" in the first line of the 5th section, the words "for money or property;"

Upon which the yeas and nays were ordered;

Yeas 14, Nays 11.

Those who voted in the affirmative were,

Messrs. Barton,

Berry,

Brierly,

Briggs,

Bunker,

Culbertson,

Felkner,

Hackleman,

Hepner,

McCulloch,

Rogers,

Sales,

Thornton,

Speaker.

Those who voted in the negative were,

Messrs. Blair,

Goddard,

Jay,

Lewis,

McMillan,

Newell,

Robertson,

Steele,

Swearingen,

Walworth,

Wilson.

So the amendment was agreed to.



The question was then taken upon the 4th amendment, to wit:  
To insert in the 7th line of the 7th section, the word "five" after the  
word "than," in lieu of the word "fifty;"

Upon which the yeas and nays were ordered;  
Yeas 15; Nays 9.

Those who voted in the affirmative were,

Messrs. Barton,	Culbertson,	Rogers,
Berry,	Felkner,	Sales,
Brierly,	Hackleman,	Swearingen,
Briggs,	Hepner,	Thornton,
Bunker,	McCulloch,	Speaker.

Those who voted in the negative were,

Messrs. Blair,	Lewis,	Robertson,
Goddard,	McMillan,	Steele,
Jay,	Newell,	Walworth.

So the amendment was agreed to.

The question was then taken upon the 5th amendment of the committee, to wit: Insert after the word "whatsoever" in the third line of the 8th section, the words "who shall allow betting on the same;"

Which was agreed to.

The question was then taken upon the 6th amendment of the committee, to wit: Strike out the words "as other fines are" in the second line of the 15th section, and insert the words "in cash;" and the word "county" in the 3d line and insert the word "school."

Upon which question the yeas and nays were ordered;  
Yeas 22, Nays 3.

Those who voted in the affirmative were,

Messrs. Barton,	Hackleman,	Steele,
Berry,	Jay,	Swearingen,
Blair,	Lewis,	Thornton,
Brierly,	McMillan,	Walworth,
Bunker,	McCulloch,	Wilson,
Culbertson,	Newell,	Speaker.
Felkner,	Robertson,	
Goddard,	Sales,	

Those who voted in the negative were,

Messrs. Briggs,	Hepner,	Rogers.
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So the said amendment was agreed to.

Mr. Rogers then moved

To amend the 9th section, by inserting in the third line after the word "played" the words "for money or property;"

Upon which the yeas and nays were ordered;

Yeas 10, Nays 15.



Those who voted in the affirmative were,

Messrs. Brierly,	Hackleman,	Sales,
Briggs,	Hepner,	Speaker.
Bunker,	McCulloch,	
Felkner,	Rogers,	

Those who voted in the negative were,

Messrs. Barton,	Jay,	Steele,
Berry,	Lewis,	Swearingen,
Blair,	McMillan,	Thornton,
Culbertson,	Newell,	Walworth,
Goddard,	Robertson,	Wilson.

So the motion to amend was lost.

Mr. Hepner moved

To amend the same by striking out the word "fifty," in the 5th line, and inserting "five."

A division of the question was had, and on the question,  
Will the House strike out "fifty?"

The yeas and nays were ordered;

Yeas 20, Nays 4.

Those who voted in the affirmative were,

Messrs. Barton,	Goddard,	Sales,
Berry,	Hackleman,	Steele,
Blair,	Hepner,	Swearingen,
Brierly,	Lewis,	Thornton,
Briggs,	McCulloch,	Walworth,
Culbertson,	Newell,	Speaker.
Felkner,	Rogers,	

Those who voted in the negative were,

Messrs. Jay,	Robertson,
McMillan,	Wilson.

So the motion to strike out was agreed to.

The question was then taken upon inserting the word "five," as above, and agreed to; when,

On motion of Mr. Robertson,

Said bill was ordered to be engrossed and read a third time on Friday next.

The select committee to whom was referred,

No. 45, H. R. file, A bill to provide for assessing and collecting County and Territorial revenue;

Having reported the same to the House with the following amendments, viz:

Sec. 7. Strike out all after the word "land" in the 7th line, and insert the following: "And all town lots shall be valued at its true value in cash, with all the improvements thereon, by the present assessors now elected in each county in this Territory, with two other persons



of good qualifications to be appointed by the Board of County Commissioners of the proper county, at their April term next; one in each County Commissioners' district, other than that in which the assessor lives, so that each part of the county may have an equal valuation of their land or lots, who shall take in consideration the general improvements of the county in which it is situated, the quality of soil, its convenience to navigation, public roads, mill privileges and all other local advantages. Such appraisors so appointed, before entering upon their duties as such, shall take and subscribe an oath to the faithful performance of their duty, and when said appraisors are so appointed and qualified as aforesaid, it shall be their duty to attend with said assessor on the second Monday in June next, at the county seat of said county, then and there to make said valuation as near equal as may be. Which valuation, when examined and corrected by the Board of County Commissioners, shall be recorded in the Clerks Office of said Board, and remain as a fixed value for five years, unless sooner altered by law; Provided, however, That it shall not prevent any person if they feel aggrieved by the valuation put on his, her, or their land, or lots, having the matter determined before the County Commissioners any time within three months after the acceptance of said roll, and upon proof thereof, if said Commissioners should think the valuation too high, may alter the same accordingly. All appraisors shall have, as a compensation for their services, the sum of two dollars per day, for every day necessarily employed, which shall be paid out of the county Treasury as other monies are paid."

Strike out the ninth section, and insert

"That all personal property shall be taxed according to its true value in cash, to be determined by the assessor, and it shall be the duty of each assessor to value all improvements (on claimed land) unsold, as personal property and charge the same to said claimants, and that all grain in stacks, or cribs of corn, or pork put up for family use, and all other necessities of a like nature shall be exempt from taxation."

Strike out in the 11th section from the form, "the column containing the rates of land in said form."

All of said amendments were agreed to; and

On motion of Mr. Hackleman,

The bill was ordered to be engrossed and read a third time on Monday next.

No. 52, H. R. file, A bill to prevent damage by the firing of prairies;

Was resumed in committee of the whole, Mr. Walworth in the chair;

And,

After some time spent in consideration of the same, the committee rose, and, by their chairman, reported the same back to the House with sundry amendments;

Which were read and concurred in by the House.

Mr. Newell then moved



To amend by adding the following to the fourth section :

"Provided, That nothing in this section shall be so construed as to prevent individuals from hunting wolves, deer or domestic animals."

Which was lost.

Mr. Newell moved

To refer the bill to a select committee of one from each electoral district;

Which was agreed to; and,

The Chair appointed Messrs. Newell, Barton, Berry, Briggs, Culbertson, Felkner, Goddard, Hackleman, Jay and McCulloch, said committee.

On motion of Mr. Briggs,

The House adjourned.

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THURSDAY MORNING, JANUARY 26, 1843.

The House met pursuant to adjournment.

Mr. Hepner presented the petition of sundry citizens of Lee county, asking that a supplemental act to the act providing for the relocation of the county seat of Lee county, be passed as therein named;

Which,

On motion of Mr. McCulloch,

Was referred to a committee consisting of the delegation from Lee county, and one from each electoral district.

The Chair appointed Messrs. McCulloch, Berry, Brierly, Briggs, Culbertson, Felkner, Hepner, Newell, Robertson, Steele, Swearingen, and Wilson.

Mr. Thornton presented the petition of sundry citizens of Muscatine county, asking that a valuation law be passed; which,

On motion of Mr. Thornton,

Was laid on the table.

Mr. Rogers presented the petition of sundry citizens of Dubuque county, asking that a resurvey may be had of the road leading from Farmington to Prairie du Chien; which,

On motion of Mr. Rogers,

The same was referred to the delegation from the Dubuque district.



Mr. Andros gave notice that he would, on to-morrow, or some future day, ask leave to introduce a bill to incorporate the "Iowa Medical Society."

Mr. Wilson from the committee on township and county boundaries, reported

No. 72, H. R. file, A bill to relocate the county seat of Clayton county;

Which was read a first time.

Mr. Barton, from the committee on engrossed bills, have examined No. 66, H. R. file, An act granting further time to Henry Harden, to file the plat of a Territorial road in the Secretary's office;

And,

No. 56, H. R. file, A bill relative to mechanics' liens and for other purposes;

And find the same to be correctly engrossed.

Mr. Lewis, from the committee on enrolled bills, have examined An act regulating the keeping of Stallions and Jacks, and to improve the breed of horses;

And find the same to be correctly enrolled.

Mr. Bunker from the committee to whom was referred

A memorial from certain citizens of Washington county, remonstrating against the relocation of a certain Territorial road in Washington county, and praying a repeal of a law authorizing such a relocation; have instructed me to report the following bill:

No. 73, H. R. file, A bill to relocate a part of a Territorial road in Washington county;

Which was read a first time.

Mr. Lewis, on previous notice and leave granted, introduced

No. 74, H. R. file, A bill to amend an act entitled an act to incorporate the City of Keosauqua;

Which was read a first time.

Mr. Walworth, from the select committee, to whom was referred

A resolution relative to the compensation of Wilson & Keesecker, for printing the Journals of the House of Representatives for the session of 1841 and '42, have had the same under consideration, and have compared the prices with the prices recommended in a bill now pending, fixing the prices hereafter to be allowed for public printing; and have instructed me to report the following resolution, fixing the compensation of said Wilson & Keesecker to correspond with the price set forth in said bill:

Resolved, by the Council and House of Representatives of the Territory of Iowa, That Wilson & Keesecker be allowed the sum of \$650,34 for printing the Journals of the House of Representatives, for the session of 1841 and '42;



Which was read a first time.

Mr. Thornton, on previous notice and leave granted, introduced No. 76, H. R. file, A bill to incorporate the Muscatine Lyceum;

Which was read a first time.

No. 67, H. R. file, A bill to abolish imprisonment for debt;

Was read a second time; and,

On motion of Mr. Robertson,

Was ordered to be engrossed and read a third time on Saturday next.

No. 70, H. R. file, A bill to legalize the location of a Territorial road leading from Lyons to Iowa City;

Was read a second time; and,

On motion of Mr. Goddard,

The same was referred to the committee on roads and highways.

No. 33, C. file, An act concerning mortgages;

Was read a second time; and,

On motion of Mr. McMillan,

Was committed to the committee of the whole, and made the order of the day for Saturday next.

No. 38, C. file, An act to regulate weights and measures;

Was read a second time; and,

On motion of Mr. McMillan,

Was committed to the committee of the whole, and made the order of the day for Monday next.

No. 41, C. file, An act regulating mills and millers, and for other purposes;

Was read a second time; and,

On motion of McMillan,

Was committed to the committee of the whole, and made the order of the day for Saturday next.

No. 49, C. file, An act for opening and regulating roads and highways;

Was read a second time; and,

On motion of Mr. McMillan,

Was committed to the committee of the whole, and made the order of the day for to day.

No. 68, H. R. file, A bill to incorporate the Farmers' Half Breed Land Company in the county of Lee;

Was read a second time; and,

On motion of Mr. McCulloch,

Was committed to the committee of the whole, and made the order of the day for Monday next.

No. 56, H. R. file, A bill relative to mechanics' liens and for other purposes;



Was read a third time, passed and title agreed to.

No. 66, H. R. file, A bill granting further time to Henry Harden to file a plat of a certain Territorial road in the office of the Secretary;

Was read a third time, passed and title agreed to.

No. 22, C. file, An act subjecting real and personal estate to execution;

And,

No. 50, C. file, A bill to legalize the location a certain Territorial road;

Were severally read a first time.

The following message was received from the Council, by Mr. Fales, their Secretary:

Mr. Speaker—I am directed to present for your signature,

An act to authorize evidence by the oath of parties.

An act to authorize Wm. Benham and David B. Sears to keep a ferry.

Which were signed by the Speaker of the House.

I also return,

An act to legalize the location of a certain Territorial road.

And,

An act to amend an act entitled an act for the incorporation of the town of Farmington.

The same having been signed by the President of the Council.

No. 65, H. R. file,

Being the order of the day was considered in committee of the whole, Mr. Berry in the chair, and,

After some time spent in considering the same, the committee rose and by their chairman reported the same back to the House with amendments.

Mr. Barton moved

To refer the same to a select committee of three.

Which was agreed to.

The Chair appointed Messrs. Barton, Hepner and Walworth, said committee.

On motion of Mr. Lewis,

The House adjourned.



## TWO O'CLOCK, P. M.

No. 49, C. file, An act for opening roads and highways;  
Being the order of the day, was considered in committee of the whole, Mr. Barton in the chair; and,

After some time spent therein, the committee rose, and by their chairman reported the same back to the House with one amendment.

Which was concurred in by the House.

Mr. McMillan moved

To refer the same to a select committee of three;

Which was agreed to; and,

The Chair appointed Messrs. McMillan, Hackleman and Robertson said committee.

No. 35, C. file, An act to define the jurisdiction of the Supreme and District Courts.

No. 39, C. file, An act concerning costs and fees.

And,

No. 53, C. file, An act to incorporate an Academy in Denmark, Lee county.

Were severally read a first time.

On motion of Mr. Hepner,

The House adjourned.

## FRIDAY MORNING, JANUARY 27, 1843.

The House met pursuant to adjournment.

Mr. McMillan offered the following:

Resolved, That all bills and joint resolutions on their second reading, shall be read by title only, unless otherwise ordered by the House.

Mr. Barton, from the committee on engrossed bills, reported that they had examined

No. 67, H. R. file, A bill to abolish imprisonment for debt;

And find the same correctly engrossed.

Mr. McMillan, from the committee, to whom was referred,

No. 49, C. file, An act for opening and regulating roads and highways;



Reported the same back to the House with the following amendments:

Insert after the word "county" in the second line of the second section, the word "road."

Insert after the word "or" in the same line and section, the words "for the alteration of any road."

Insert after the words "County Commissioners" in the fourth line of the 14th section, the words "where counties are not divided into townships."

Strike out the words "of the county" in the fourth line of the fourteenth section.

Insert after the word "townships" in the fifth line of the fourteenth section, the words "where counties are divided into townships."

Mr. Andros from the committee on claims to whom was referred the claim of A. C. Donaldson for services in carrying an extra mail from Davenport to Dubuque, during a session of the Legislative Assembly, have examined the same, and find in the acts of 1839 and '40, the following joint resolution:

Resolved, by the Council and House of Representatives of the Territory of Iowa, That the Secretary of this Territory, pay out of the appropriation by Congress to defray the expenses of this Legislative Assembly, two hundred and seventy dollars to A. C. Donaldson, for services in carrying an extra mail from Davenport to Dubuque, during the last session of this Legislative Assembly, under a contract authorized by a resolution passed at said session.

Of the above sum of \$270, one hundred dollars was paid by James Clarke, Esqr., the former Secretary of the Territory, and your committee are informed by the present Secretary, that the balance of the account was by him forwarded to the auditing office, at the city of Washington, and that the same has been returned as disallowed.— That some explanations of the matter have since been forwarded to said auditing officer, with a view of yet having it allowed, but it is the opinion of the Secretary, that the account will be rejected.

And your committee will further state, that the above account has been transferred to Laurel Summers, for value received by the aforesaid A. C. Donaldson.

Therefore, in view of the premises, your committee have instructed me to report the following:

No. 77, H. R. file, A bill for the relief of Laurel Summers;

Which was read a first time.

Mr. Robertson moved

To suspend the 42d rule, and that the bill be read a second and third time now;



Which was lost.

Mr. Goddard introduced the following:

No. 78, H. R. file, A joint resolution relative to seals for Delaware county, &c.

Which was read a first time.

Mr. Wilson, from the committee on township and county boundaries, to whom was referred the memorial of sundry citizens of the north branch of the Makokete, praying for a new county to be organized out of the following counties, to wit:

Dubuque, Delaware, Jackson and Jones;

Have had the same under consideration, and your committee are united in the belief, that any legislation on that subject at this time is inexpedient, and ask to be discharged from the further consideration of the subject.

Mr. Lewis, from the committee on enrolled bills, reported that they had examined,

An act for the relief of B. W. Gillock, ex-Sheriff of Lee county.

And,

An act to establish a certain Territorial road.

And find the same to be correctly enrolled.

The committee have also presented to the Governor for his approval, on the 26th ultimo:

An act to amend an act entitled an act for the incorporation of the town of Farmington.

Also,

An act to legalize the location of certain Territorial roads.

Mr. Andros, on previous notice and leave granted, introduced,

No. 79, H. R. file, A bill to incorporate the Iowa Medical Society;

Which was read a first time.

No. 69, H. R. file, A bill regulating the licensing and retailing of spirituous liquors;

Was read a second time.

Mr. Rogers moved

To commit the bill to the committee of the whole, and that it be made the order of the day for Wednesday next;

Which was lost; when,

On motion of Mr. Wilson,

The House resolved itself into committee of the whole, Mr. Brierly in the chair; and,

After some time spent therein, the committee rose, and, by their chairman, reported the same back to the House with one amendment:

Which was, to strike out the first section of the bill;

And upon the question,

Will the House concur in said amendment?



The yeas and nays were ordered;  
Yeas 14, Nays 12.

Those who voted in the affirmative were,

Messrs. Andros,	Hackleman,	Sales,
Barton,	Hepner,	Steele,
Brierly,	Lewis,	Thornton,
Briggs,	Newell,	Speaker.
Culbertson,	Rogers,	

Those who voted in the negative were,

Messrs. Berry,	Goddard,	Robertson,
Blair,	Jay,	Swearingen,
Bunker,	McCulloch,	Walworth,
Felkner,	McMillan,	Wilson.

So the amendment was concurred in.

Mr. Sales then moved to lay the bill on the table;  
Which was agreed to.

No. 72, H. R. file, A bill to relocate the county seat of Clayton county;

Was read a second time; when,

On motion of Mr. Rogers,

The same was committed to the committee of the whole and made the order of the day for Thursday next.

No. 73, H. R. file, A bill to relocate a part of a Territorial road in Washington county;

Was read a second time; and,

On motion of Mr. Bunker,

The same was ordered to be engrossed and read a third time on Monday next.

No. 74, H. R. file, A bill to amend an act entitled an act to incorporate the city of Keosauqua;

Was read a second time; and,

On motion of Mr. Lewis,

The same was committed to the committee of the whole, and made the order of the day for Thursday next.

No. 75, H. R. file, A joint resolution for the relief of Wilson and Keesecker;

Was read a second time.

Mr. Rogers moved

To strike out "\$650 34," and insert "\$873."

Upon which a division of the question was called for; and,  
Upon the question,

Will the House strike out?

The yeas and nays were ordered;



Yeas 13; Nays 13.

Those who voted in the affirmative were,

Messrs. Andros,	Felkner,	McCulloch,
Berry,	Goddard,	Rogers,
Brierly,	Hackleman,	Swearingen,
Briggs,	Hepner,	Speaker.
Culbertson,		

Those who voted in the negative were,

Messrs. Barton,	McMillan,	Steele,
Blair,	Newell,	Thornton,
Bunker,	Robertson,	Walworth,
Jay,	Sales,	Wilson.
Lewis,		

So the motion was lost; when,

On motion of Mr. Rogers,

The 42d rule was suspended and the resolution read a third time and passed.

The following message was received from the Council, by Mr. Fales, their Secretary:

Mr. Speaker—I am directed to inform the House that the Council have passed,

No. 52, C. file, An act to vacate certain streets in the town of Denmark, in Lee county.

The Council have disagreed to the report of the committee of conference, relative to

No. 8, C. file, Joint resolution instructing our Delegate in Congress to procure an amendment to the Organic law.

I herewith return

An act regulating the keeping of stallions and jacks, and to improve the breed of horses.

The same having been signed by the President of the Council.

No. 76, H. R. file, A bill to incorporate the Muscatine Lyceum;

Was read a second time; when,

On motion of Mr. McMillan,

The same was referred to a select committee of three;

And asked to be excused from serving on said committee.

The Chair appointed Messrs. Hepner, Newell and Thornton, said committee.

No. 22, C. file, An act subjecting real and personal estate to execution;

Was read a second time; and,

On motion of Mr. McMillan,

The same was committed to the committee of the whole, and made the order for the day of Monday next.



No. 35, C. file, An act defining the jurisdiction of the Supreme and District Courts;

Was read a second time; and,

On motion of Mr. Rogers,

The same was committed to the committee of the whole, and made the order of the day for to-morrow.

No. 39, C. file, An act concerning costs and fees;

Was read a second time; and,

On motion of Mr. Newell,

The same was committed to the committee of the whole, and made the order of the day for Wednesday next.

No. 50, C. file, An act to legalize the location of a certain Territorial road;

Was read a second time; and,

On motion of Mr. Walworth,

The same was ordered to be engrossed and read a third to-morrow.

No. 53, C. file, An act to incorporate an Academy in Denmark, Lee county;

Was read a second time; and,

On motion of Mr. Hepner,

The same was committed to the committee of the whole, and made the order of the day for to-morrow.

Mr. Walworth moved to take from the table,

No. 26, C. file, An act to amend an act to incorporate the Washington Manufacturing Company;

Which was agreed to; when,

On motion of Mr. Walworth,

The same was referred to the delegation from Cedar, Linn and Jones; when,

On motion of Mr. McMillan,

The House adjourned.

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### TWO O'CLOCK, P. M.

No. 49, C. file, An act for opening and regulating roads and highways;

With amendments, from the select committee, to whom the same was referred, being under consideration; and,

The question being upon concurring in the amendments of the committee;

Was put and agreed to; when,



On motion of Mr. McMillan,  
The 42d rule was suspended, and the same  
Was read a third time, passed and title agreed to.

On motion of Mr. Barton,  
No. 62, H. R. file, A bill to authorize Arthur Town and others, to  
erect a dam part way across the Des Moines river;

Was taken from the table, and considered in committee of the  
whole, Mr. Briggs in the Chair; and,

After some time spent therein, the committee rose, and by their  
chairman reported the same back to the House without amendment;

Mr. Hepner moved  
To strike out after the word "crafts" in the 18th line of the first  
section, the words "provided said water crafts be not less than two tons  
burden;"

Pending which, a call of the House was ordered;  
Which was had; and,

On motion of Mr. Jay,  
The further call of the House was dispensed with;  
The question then recurring upon striking out; and,  
Upon which question the yeas and nays were ordered;  
Yeas 14; Nays 11.

Those who voted in the affirmative were,  
Messrs. Andros, Felkner, McMillan,  
Berry, Goddard, Rogers,  
Blair, Hackleman, Steele,  
Briggs, Hepner, Speaker.  
Culbertson, Jay,

Those who voted in the negative were,  
Messrs. Barton, McCulloch, Thornton,  
Brierly, Newell, Walworth,  
Bunker, Robertson, Wilson.  
Lewis, Swearingen,  
So the motion to strike out, was agreed to.

Mr. Barton moved  
That the same be engrossed and read a third time on Monday next;  
Upon which the yeas and nays were ordered;  
Yeas 14, Nays 11.

Those who voted in the affirmative were,  
Messrs. Barton, Lewis, Swearingen,  
Brierly, McCulloch, Thornton,  
Bunker, Newell, Walworth,  
Goddard, Robertson, Wilson.  
Jay, Steele,



Those who voted in the negative were,  
 Messrs. Andros, Culbertson, McMillan,  
           Berry, Felkner, Rogers,  
           Blair, Hackleman, Speaker.  
           Briggs, Hepner,  
 So the motion was agreed to.

Mr. Walworth from the committee on engrossed bills, have examined,

No. 27, H. R. file, A bill to prevent and punish gaming;  
 And find the same to be correctly engrossed.

No. 27, H. R. file, A bill to prevent and punish gaming;  
 Was read a third time; and,  
 Upon the question, shall the bill pass?  
 The yeas and nays were ordered;  
 Yeas 18, Nays 8.

Those who voted in the affirmative were,  
 Messrs. Barton, Goddard, Robertson,  
           Berry, Jay, Steele,  
           Blair, Lewis, Swearingen,  
           Brierly, McCulloch, Thornton,  
           Bunker, McMillan, Walworth,  
           Culbertson, Newell, Wilson.

Those who voted in the negative were,  
 Messrs. Andros, Hackleman, Sales,  
           Briggs, Hepner, Speaker.  
           Felkner, Rogers,  
 So the bill passed and title was agreed to.

On motion of Mr. McMillan,  
 No. 25, H. R. file, A bill organizing a Board of County Commissioners in each county in the Territory of Iowa;  
 Was taken from the table, and the amendments made in committee of the whole, considered.

Mr. Rogers moved

To amend the proviso added to the 4th section of the bill, by the committee, by striking out the words "in other cases," in the last line of said section, and inserting the words "hereinafter provided in this act;"

Which was agreed to.

Mr. Rogers moved

To amend the 1st amendment made by the committee of the whole, to the 4th section, by inserting the words "license ferries, and fix the rates of ferriage, and to" after the word "to" in the 1st line of the 3d head of said amendment;



Which was agreed to.

The question was then taken upon agreeing to the following amendment of the committee, to the 19th section, to wit: Strike out "two dollars," and insert "two dollars and fifty cents;"

Upon which question the yeas and nays were ordered;  
Yeas 14; Nays 12.

Those who voted in the affirmative were,

Messrs. Andros,	Bunker,	McCulloch,
Barton,	Culbertson,	Rogers,
Berry,	Felkner,	Steele,
Brierly,	Hackleman,	Speaker.
Briggs,	Hepner,	

Those who voted in the negative were,

Messrs. Blair,	McMillan,	Swearingen,
Goddard,	Newell,	Thornton,
Jay,	Robertson,	Walworth,
Lewis,	Sales,	Wilson.

So the amendment of the committee was agreed to.

All other amendments, made in committee of the whole, were then agreed to.

Mr. Rogers then moved

To amend the third section, by adding thereto the following:

"Provided, he shall, before entering on the duties of his office, give bond with surity or surities, to the satisfaction of the Clerks of the District Courts, of the respective counties, in a sum not less than \$200, nor more than \$1000, conditioned for the faithful management of the county funds, and property, and the best performance of the business of his office according to law;"

Which was agreed to.

Mr. Hackleman then moved

To strike out the 22d section;

Which was agreed to.

Mr. McMillan moved

To strike out the words "in all cases" in the second line of the 24th section, and insert after the word "presented" in the same line of the same section, the words "to him;"

Which was agreed to; when,

On motion of Mr. McMillan,

The same was ordered to be engrossed and read a third time on Monday next.

No. 52, C. file, A bill for an act to vacate certain streets in the town of Denmark, in Lee county;

Was read a first time.

Mr. Robertson, from the committee of conference, appointed on the part of the House, to confer with a similar committee on the part of



the Council, upon the disagreeing vote between the two Houses, upon  
A joint resolution requesting our delegate in Congress to procure  
an amendment to the Organic Law, so as to allow the several counties  
of this Territory, to elect their district Clerks;

Reported that the majority of the committee agree to report the res-  
olution back, and recommend its passage.

Mr. Rogers moved

That the House adhere to its amendments, to said resolution;

Which was agreed to; when,

On motion of Mr. Hackleman,

The House adjourned.

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SATURDAY MORNING, JANUARY 28, 1843.

The House met pursuant to adjournment.

Mr. Berry presented the petition of sundry citizens of Linn county,  
asking the relocation of a part of a certain Territorial road; which,

On motion of Mr. Berry,

Was referred to the delegation from Cedar, Linn and Jones.

Mr. Hackleman, on leave granted, introduced,

No. 80, H. R. file, A joint resolution to authorize Hughes & Willi-  
ams to print the laws of the present session;

Which was read a first time.

Mr. Jay offered the following:

Resolved, That there be a committee of three appointed on the part  
of the House, to report what further business shall be acted upon this  
session;

Mr. Hepner moved

To lay the same upon the table;

Which was agreed to.

Mr. Hepner offered the following:

Resolved, That the Territorial Agent report to this House the  
amount of means within the control of said Agent, to pay the debts  
contracted in the erection of the Capitol, at Iowa City, and also what  
the means are, and if not available now, when they will be;

Which was agreed to.

The resolution offered yesterday, relative to bills upon their second  
reading;



Being the order of the day, the question was taken upon the passage of said resolution; and the same was rejected.

Mr. Barton, from the committee on engrossed bills, have examined No. 62, H. R. file, An act to authorize Arthur Thome and others, to construct a dam part way across the Des Moines river.

No. 73, H. R. file, A bill to relocate a part of a Territorial road in Washington county;

And find the same to be correctly engrossed.

Mr. Robertson, on previous notice and leave granted, introduced No. 81, H. R. file, A bill requiring certain county officers to keep their respective offices at the county seat;

Which was read a first time.

Mr. Briggs, on previous notice and leave granted, introduced No. 82, H. R. file, A bill to amend an act entitled an act, to prevent forcible entry and detainer;

Was read a first time.

Mr. Barton moved

To reconsider the vote had yesterday, relative to adhearing to the amendments of the House, to

No. 8, C. file, Joint resolution instructing our Delegate in Congress to procure an amendment to the Organic law;

Which motion was lost.

No. 77, H. R. file, A bill for the relief of Laurel Summers;

Was read a second time;

Mr. Robertson moved

That the same be engrossed and read a third time on Monday;

Which was lost.

Mr. Robertson then moved

That the same be laid on the table;

Which was agreed to.

No. 78, H. R. file, A joint resolution relative to seals for Delaware county, &c.;

Was read a second time; and,

On motion of Mr. Goddard,

The same was ordered to be engrossed and read a third time on Monday.

No. 79, H. R. file, A bill to incorporate the Iowa Medical Society;

Was read a second time; when,

On motion of Mr. Rogers,

The House resolved itself into committee of the whole, for considering the same, Mr. Felkner in the Chair; and,

After some time spent therein, the committee rose, and by their chairman reported the same back to the House with one amendment;



Which was concurred in; when,  
On motion of Mr. Robertson,  
The same was ordered to be engrossed and read a third time on Monday.

The following message was received from the Council, by Mr. Fales, their Secretary:

Mr. Speaker—The Council have passed with amendments,  
No. 57, H. R. file, An act establishing the prices of the public printing;

No. 51, C. file, An act regulating practice in the District Courts;

No. 55, C. file, A bill authorizing the Judge of probate of Van Buren county, to employ a suitable person to transcribe the probate records of said county;

In which the concurrence of the House is requested.

The Council have disagreed to the amendment made by the House to the 14th section of

No. 49, C. file, An act for opening and regulating highways;

And have agreed to the other amendments of the House.

No. 52, C. file, An act to vacate certain streets in the town of Denmark, Lee county;

Was read a second time; and,

On motion of Mr. Brierly,

The same was ordered to lie on the table.

No. 50, C. file, An act to legalize the location of a certain Territorial road;

Was read a third time, passed and title agreed to.

No. 67, H. R. file, A bill to abolish imprisonment for debt;

Was read a second time; and,

On motion of Mr. Robertson,

The same was referred to a select committee of three.

The Chair appointed Messrs. Robertson, Rogers and Barton, said committee.

No. 62, H. R. file, An act to authorize Arthur Thomes and others, to erect a dam part way across the Des Moines river;

Was read a third time, passed and title agreed to.

No. 73, H. R. file, An act to relocate a part of a Territorial road in Washington county;

Was read a third time, passed and title agreed to.

No. 35, C. file, An act to define the jurisdiction of the Supreme and District Courts;

Was considered in committee of the whole, Mr. Hackleman in the chair; and,



After some time spent therein, the committee rose, and by their chairman reported the same back to the House with one amendment.

Upon the concurrence of the House,  
In which the yeas and nays were ordered;  
Yeas 18; Nays 7.

Those who voted in the affirmative were,		
Messrs. Barton,	Felkner,	Rogers,
Berry,	Hackleman,	Sales,
Blair,	Hepner,	Steele,
Briggs,	Jay,	Swearingen,
Bunker,	McCulloch,	Thornton,
Culbertson,	McMillan,	Speaker.

Those who voted in the negative were,		
Messrs. Brierly,	Newell,	Walworth,
Goddard,	Robertson,	Wilson.
Lewis,		

So the amendment was concurred in; when,

On motion of Mr. Robertson,  
The same was ordered to be engrossed and read a third time on Monday next.

Mr. Robertson, from the committee, to whom was referred,  
No. 67, H. R. file, A bill to abolish imprisonment for debt;  
Reported the same back to the House with an amendment;  
Which was concurred in; when,

On motion of Mr. Robertson,  
The 42d rule was suspended and the same read a second and third time, passed and title agreed to.

No. 53, C. file, An act to incorporate an Academy in Denmark, Lee county.

Was considered in committee of the whole, Mr. Walworth in the chair, and,

After some time spent in considering the same, the committee rose and by their chairman reported the same back to the House without amendment; when,

On motion of M. McCulloch,  
The same was ordered to be read a third time on Monday.

No. 33, C. file, An act concerning mortgages.

Being the order of the day,

On motion of Mr. Rogers,  
The consideration of the same was postponed.

No. 41, C. file, An act regulating mills and millers, and for other purposes;



Being the order of the day in committee of the whole, was so considered, Mr. Barton in the chair; and,

After some time spent therein, the committee rose, and, by their chairman, reported the same back to the House with amendments;

Which were concurred in; when,

On motion of Mr. Newell,

The same was ordered to be engrossed and read a third time on Monday next.

Mr. Jay, on previous notice and leave granted, introduced,

No. 83, H. R. file, A bill authorizing the election of an additional justice and constable in Centre township, Henry county;

Which was read a first time.

Mr. Hepner moved

That the House adjourn until Monday, 9 o'clock, A. M.

Which was lost.

On motion of Mr. McMillan,

No. 49, C. file, An act for opening and regulating roads and highways;

Was taken from the table; and,

On motion of Mr. McMillan,

The House receded from the amendment made by the House to the 14th section; when,

On motion of Mr. Jay,

The House adjourned.

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#### MONDAY MORNING, JANUARY 30, 1843.

The House met pursuant to adjournment.

Mr. Jay presented the petition of sundry citizens of Henry county, asking a change of the Territorial road leading from Burlington, via New London, to Mt. Pleasant; which,

On motion of Mr. Jay,

Was laid on the table.

Mr. Robertson presented the petition of sundry citizens of Scott county, relative to pilots, &c.; which,

On motion of Mr. Robertson,

Was referred to the Delegation from Scott and Lee counties.



Mr. Briggs presented the petition of sundry citizens of Charlestown and vicinity, asking that C. G. Eldrige have the exclusive privilege of ferrying at said place; which,

On motion of Mr. Briggs,

Was referred to the committee on incorporations.

Mr. Steele, from the committee to whom was referred the petition of sundry citizens of Lee county, in relation hereto; reported,

No. 84, H. R. file, A bill to authorize Robert McKee & Ovid Grinnell, to construct a dam part way across the Des Moines river;

Which was read a first time. •

Mr. Barton, from the committee on engrossed bills, reported that they had examined

No. 78, H. R. file, A joint resolution relative to seals for Delaware county, &c.

No. 79, H. R. file, An act to incorporate the Iowa Medical Society;  
And,

No. 25, H. R. file, A bill organizing a board of County Commissioners in each county in the Territory of Iowa;

And find the same to be correctly engrossed.

Mr. Lewis, from the committee on enrolled bills, reported that they had examined,

An act to establish a Seminary of learning at Nashville;

And find the same to be correctly enrolled.

The committee have also laid before the Governor on the 28th inst.

An act to regulate the keeping of Jacks and Stallions, and for improving the breed of horses;

And,

An act for the relief of B. W. Gillock ex-Sheriff of Lee county;

And,

An act to establish a certain Territorial road.

Mr. Andros, gave notice that he would on to-morrow or some future day ask leave to introduce a bill for the relief of the citizens, resident at St. Peters, and others resident in the Indian country, within the limits of this Territory.

No. 81, H. R. file, A bill requiring certain county officers to keep their respective offices at the county seat;

Was read a second time; and,

On motion of Mr. Barton,

The same was referred to a committee of one from each judicial district.

The Chair appointed Messrs. Barton, Felkner and Andros.

No. 82, H. R. file, An act to amend an act entitled an act to prevent forcible entry and detainer;

Was read a second time; and,

On motion of Mr. Briggs,

The same was ordered to lie on the table.



No. 83, H. R. file, A bill authorizing the election of an additional justice and constable in centre township, Henry county;

Was read a second time; and,

On motion of Mr. Jay,

The same was ordered to lie on the table.

No. 70, H. R. file, A bill relative to the probate of wills, executors, administrators, guardians, trustees of minors and probate courts, and for defining their duties;

Was read a second time; and,

On motion of Mr. Barton,

The same was committed to the committee of the whole, and made the order of the day for Thursday.

No. 80, H. R. file, A joint resolution to authorize Hughes and Williams to print the Laws of the present session;

Was read a second time; and,

On motion of Mr. Hackleman,

The same was ordered to lie on the table.

No. 35, C. file, An act defining the jurisdiction of the Supreme and District Courts;

No. 53, C. file, An act to incorporate an Academy in Denmark, Lee county;

No. 41, C. file, An act regulating mills and millers, and for other purposes;

No. 25, H. R. file, An act organizing a Board of County Commissioners in each county in the Territory of Iowa; and,

No. 79, H. R. file, An act to incorporate the Iowa Medical Society;

Were severally read a third time, passed and titles agreed to.

No. 78, H. R. file, A joint resolution relative to seals for Delaware county, &c.

Was read a third time and passed.

No. 22, C. file, An act subjecting real and personal estate to execution;

Being the order of the day, was considered in committee of the whole, Mr. Walworth in the Chair, and,

After some time spent therein, the committee rose, and by their chairman reported progress, and asked leave to sit again;

Which was granted; when,

On motion of Mr. Lewis,

The House adjourned.



## TWO O'CLOCK, P. M.

The Chair submitted the following communication from the Territorial Agent:

In obedience to a resolution of the House of Representatives, requiring the Territorial Agent to furnish a statement of the amount of means within his control to pay the debts contracted on account of the Capitol at Iowa City, as also the character of the means and when available. I respectfully submit the following answer:

At the date of my annual report, there was in my hands, notes amounting to \$12,442 00.

These notes may be classed in the following order, to wit:

Notes collectable in cash,	\$5,000
Notes on forfeited lots,	3,000
Notes payable in work and materials on the Capitol,	4,442
	—————\$12,442 00

Debts of 1841 remaining unpaid at the date of my annual report,	8,000
Arrearages of 1842,	3,445
	—————\$11,445 00

—————  
\$23,887 00

These means are subject to all the uncertainty of the collection laws of Iowa and Illinois. I am, therefore, not able to inform the House when they can be made available. Iowa City property remaining unsold, including the promenade, lumber yard, quarry reserve and Governor's square. Should the bill, now before the House, pass, may be estimated at thirty thousand dollars.

Respectfully submitted,  
JOHN M. COLMAN,  
Territorial Agent.

On motion of Mr. Barton,

The same was referred to the select committee, to whom was referred the bill relative to the duties of Territorial Agent.

Mr. Barton, from the committee, to whom was referred, No. 81, H. R. file, A bill requiring certain county officers to keep their respective offices at the county seat;

Reported the same back to the House with amendments;  
Which were concurred in.

Mr. Steele moved

Further to amend the last section by adding the following:

"And that Lee county be excepted so far as relates to the office of County Surveyor."



On motion of Mr. Robertson,  
The same was ordered to be engrossed and read a third to-morrow.

No. 57, H. R. file, A bill to establish the prices for public printing;  
Being reported from the Council with amendments.

The first amendment to the same was agreed to; when,

On motion of Mr. Robertson,  
\$350 was stricken out of the second amendment, and \$3000 inserted.

No. 51, C. file, An act regulating practice in the District Courts;  
And,

No. 55, C. file, An act authorizing the Judge of probate of Van Buren county, to appoint a suitable person to transcribe the probate record of said county;

Were severally read a first time.

No. 22, C. file, An act subjecting real and personal estate to execution;

Was resumed in committee of the whole, Mr. Walworth in the chair; and,

After some time spent therein, the committee rose, and by their chairman reported the same back to the House with sundry amendments.

The following message was received from the Council, by their Secretary, Mr. Fales:

Mr. Speaker—I am directed to present for your signature,  
An act for opening and regulating roads and highways.  
An act to legalize the location a certain Territorial road.

I herewith return  
An act to establish a Seminary of learning at Nashville.

The same having been signed by the President of the Council.

The Council have also passed,  
No. 45, C. file, An act relative to promisory notes.

And,

No. 66, H. R. file, An act granting further time to Henry Harden to file a plat of a certain Territorial road in the office of the Secretary.

On motion of Mr. Walworth,  
The House adjourned.



TUESDAY MORNING, JANUARY 31, 1843.

The House met pursuant to adjournment.

Mr. Wilson, presented the petition of sundry citizens of Salem, Henry county, in relation to the lanes of said place; which,

On motion of Mr. Wilson,

Was referred to the delegation from Henry county.

Mr. Rogers presented the petition of sundry citizens of Delaware county, asking an alteration of the time for holding the U. S. District Court; which,

On motion of Mr. Rogers,

Was referred to the delegation from the Dubuque district.

Mr. McCulloch, from the committee on roads and highways, to whom was referred, the petition and remonstrance of sundry citizens of Jefferson county, asking a relocation of parts of the Territorial road leading from Fairfield to Fort Madison, have had the same under consideration and have come to the conclusion that it is inexpedient to grant the prayer of said petitioners; and asked to be discharged from the further consideration of the subject.

Mr. McCulloch, from the committee on roads and highways, to whom was referred

No. 70, H. R. file, A bill to legalize the location of a Territorial road from Lyons to Iowa City;

Reported the same back to the House, and recommended its indefinite postponement.

Mr. Barton, from the committee on engrossed bills, have examined No. 81, H. R. file, An act requiring certain county officers to keep their respective offices at the county seat;

No. 45, H. R. file, A bill to provide for assessing and collecting County and Territorial revenue;

And find the same correctly engrossed.

No. 84, H. R. file, A bill to authorize Robert McKee and Ovid Grennell, to construct a dam across the Des Moines river;

Was read a second time; and,

On motion of Mr. Brierly,

The same was ordered to be engrossed and read a third time tomorrow.

No. 51, H. R. file, An act regulating practice in the District Courts;



Was read a second time; and,  
On motion of Mr. Rogers,  
The same was ordered to lie on the table.

No. 55, C. file, An act authorizing the Judge of probate of Van Buren county, to appoint some suitable person to transcribe the probate records of said county;

Was read a second time; and,  
On motion of Mr. Lewis,  
The was ordered to be read a third time on to-morrow.

The report of the committee, to whom was referred

No. 70, H. R. file, A bill relative to the probate of wills, executors, administrators, guardians, trustees of minors and probate courts, and for defining their duties;

Was considered and concurred in.

No. 45, H. R. file, A bill to provide for assessing and collecting County and Territorial revenue;

Was read a third time.

Mr. Hackleman moved

To amend the 7th section by adding thereto, the following:

"Provided, That when any person or persons shall sell or convey any part of a certain tract of land or town lots, with improvements thereon, by deed or otherwise, and thereby making said tract unequal in value, by said division, it is hereby made the duty of said purchaser to have his name inserted on the assessment roll, by the Clerk of the Board of Commissioners. And the land so purchased, shall be transferred from said grantor to said purchaser, and if the parties cannot agree on the value of said land, so transferred, it shall be the duty of said Clerk to decide the matter of difference and fix the value thereof, on each tract, so as to retain the same valuation, on the whole tract as if it had never been divided, for which said Clerk shall receive twelve and a half cents for each transfer;"

Which was agreed to.

Mr. Newell moved

To amend the 9th section by adding thereto, the following:

"Provided, That all keel and flat boats, and all wharf boats, shall be taxed according to their real value in cash;"

Which was agreed to.

Mr. Sales moved

To refer the same to a select committee of three; which was lost.

Mr. Sales moved to lay said bill on the table; which was lost.

The question recurring upon the passage of said bill;

Upon which the yeas and nays were ordered;

Yeas 14, Nays 12.



Those who voted in the affirmative were,

Messrs. Andros,	Hepner,	Rogers,
Barton,	Lewis,	Steele,
Brierly,	McCulloch,	Wilson,
Goddard,	McMillan,	Speaker.
Hackleman,	Robertson,	

Those who voted in the negative were,

Messrs. Berry,	Culbertson,	Sales,
Blair,	Felkner,	Swearingen,
Briggs,	Jay,	Thornton,
Bunker,	Newell,	Walworth.

So the bill passed and title was agreed to.

Mr. Barton, from the select committee, to whom was referred No. 48, H. R. file, A bill providing for and regulating general elections in this Territory;

Reported the same back to the House with amendments.

No. 81, H. R. file, An act requiring certain county officers to keep their offices at the county seat;

Was read a third time, passed and title agreed to.

The report of the select committee, to whom was referred

No. 48, H. R. file, A bill providing for and regulating general elections in this Territory;

Was taken up and considered, and the question upon the amendments of the committee, to wit: "Sec. 1. In the third line after the word "Treasurer" insert "one assessor in each organized township, and where the townships are not organized, there shall be elected in each precinct, or."

And insert in the 3d section of the 2d line, after the word "townships," the following: "But in all organized townships, the trustees of said townships shall act as judges of all elections held under the provisions of this act; and the township clerk act as one of the clerks, of said elections, taking to his assistance some suitable person, to be approved of by said Trustees."

Which were put and agreed to.

Mr. Andros moved

To refer the same to a select committee;

Which was lost.

Mr. Hepner moved

To refer the 1st, 2d and 3d sections of said bill to a select committee of three;

Upon which question a division was called for; and upon the question, Shall the 1st and 2d sections be so referred?

Was put and agreed to.



The question then recurring upon so referring the 12th section; and,  
Upon which the yeas and nays were ordered;  
Yeas 15, Nays 11.

Those who voted in the affirmative were,

Messrs. Andros,	Felkner,	McCulloch,
Barton,	Goddard,	McMillan,
Berry,	Hackleman,	Rogers,
Briggs,	Hepner,	Swearingen,
Culbertson,	Lewis,	Speaker.

Those who voted in the negative were,

Messrs. Blair,	Newell,	Thornton,
Brierly,	Robertson,	Walworth,
Bunker,	Sales,	Wilson.
Jay,	Steele,	

So the motion to refer was agreed to.

The Chair appointed Messrs. McMillan, Hackleman and Rogers, said committee.

On motion of Mr. Jay,  
Mr. Lewis was added to said committee.

On motion of Mr. Andros,  
Mr. Hepner was also added to said committee.

No. 45, C. file, An act relative to promisory notes, bonds, due bills,  
and other instruments of writing;  
Was read a first time.

On motion of Mr. Walworth,  
The House adjourned.

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## TWO O'CLOCK, P. M.

Mr. Barton moved a call of the House which was had, and absent members sent for; when,

On motion of Mr. Barton,  
The further call of the House was dispensed with.

The following message was received from the Council, by Mr. Fales, their Secretary:

Mr. Speaker—The Council have concurred in the amendments made by the House, to the amendment of the Council, to

No. 57, H. R. file, An act establishing the prices of public printing.



Mr. Hackleman presented the petition of sundry citizens of Lee county, asking the relocation of a certain Territorial road;

Which,

On motion of Mr. Hackleman,

Was referred to the delegation from Des Moines and Lee counties; and,

On motion of Mr. Hackleman,

No. 44, C. file, A bill to relocate the Territorial road leading from Burlington in Des Moines county, via Fort Madison in Lee county, to the bridge on Sugar Creek in said county;

Was taken from the table,

And referred to the same committee.

On motion of Mr. Robertson,

No. 77, H. R. file, A bill for the relief of Laurel Summers;

Was taken from the table.

Mr. Robertson moved

That said bill be engrossed and read a third time on to-morrow.

A division of the question was called for,

And the question being upon engrossing said bill,

Was put and agreed to.

No. 22, C. file, An act subjecting real and personal estate to execution;

With amendments made in committee of the whole, was taken up and considered.

Mr. Newell moved a call of the House,

Which was had.

Mr. Barton asked and obtained leave of absence for Mr. Wilson.

On motion of Mr. Lewis,

The further call of the House was dispensed with.

The following amendments made in committee of the whole, to said bill, were read and concurred in, namely:

Add to the 8th section "and by publishing the same in some newspaper printed in the county if there be one, for four weeks."

Add to the 9th section: "And in all cases in addition to the above notifications of such sales, the officer shall give notice in writing to the defendant in execution or leave such notice at his last or usual place of abode."

Strike out the 18th section.

Add to the 20th section: "And provided, also, the officer shall be liable to the plaintiff for the value of the property so delivered."

Strike out the word "thirty" in the last line of the 23d section, and insert "sixty."



Strike out all after the word "officer" in the fourth line of the 24th section.

Strike out the 27th section.

Strike out the word "that" in the second line of the twenty-eighth section.

Add to the 29th section: "Provided, that no executions already issued shall be affected by this repeal section. All deeds of real estate made by any Sheriff or other officer under this act shall be recorded in the same manner as other deeds of real estate are now required by law to be recorded. And in failure of such record, such deeds shall not be valid, as against an innocent purchaser without notice."

Mr. Lewis moved

To amend the amendment of the committee of the whole, which was to strike out the 21st section, by adding the following:

"Provided, that any person who stays any judgment shall not be entitled to the benefit of the appraisment law, as provided for in this act."

Which was agreed to.

The question on agreeing to the amendment of the committee of the whole, viz: "strike out the 21st section;"

Was taken and lost.

The committee struck out the 22d section, and was disagreed to by the House.

Mr. Robertson then moved further to amend by adding the following:

"Sec. -. That nothing in this act contained shall be so construed as to effect executions which may issue upon judgments obtained prior to the passage of this act."

Which was agreed to.

Mr. Felkner then moved to strike out the 6th section of the bill;

Upon which question the yeas and nays were ordered;

Yeas 8; Nays 18.

Those who voted in the affirmative were,

Messrs. Barton,  
Bunker,  
Felkner,

Hepner,  
Jay,  
Swearingen,

Thornton,  
Wilson.

Those who voted in the negative were,

Messrs. Andros,  
Berry,  
Blair,  
Brierly,  
Briggs,  
Culbertson,

Goddard,  
Hackleman,  
Lewis,  
McCulloch,  
McMillan,  
Newell,

Robertson,  
Rogers,  
Sales,  
Steele,  
Walworth,  
Speaker.



So the motion was lost.

Mr. Hackleman moved to amend the proviso to the 20th section, by adding the following:

"Unless such officer shall make it appear to the satisfaction of the Court that said bail was good at the time of taking the same."

Which was agreed to.

Mr. Bunker moved

To amend the fifth section, by striking out the word "twelve" where it occurs before the word "sheep" and insert "three," and after the word "sheep" insert "for each member of the family."

Which was lost.

Mr. Rogers then moved

To amend the 4th section by striking out all after the word "chattels" in the first line, to the words "an oath" in the 4th line, and inserting:

"Three disinterested persons having the qualifications of jurors shall be chosen to appraise the same. One to be named by each party and the third to be chosen by the officer making the levy; Provided, if either party neglect to make such choice, said officer shall choose for him and administer to the appraisers."

Upon which question the yeas and nays were ordered;

Yeas 18; Nays 7.

Those who voted in the affirmative were,

Messrs. Andros,	Hackleman,	Robertson,
Barton,	Jay,	Rogers,
Briggs,	Lewis,	Sales,
Bunker,	McCulloch,	Steele,
Culbertson,	McMillan,	Thornton,
Felkner,	Newell,	Walworth.

Those who voted in the negative were,

Messrs. Berry,	Goddard,	Swearingen,
Blair,	Hepner,	Wilson.
Brierly,		

So the amendment was agreed to.

Mr. McMillan moved

To strike out all after the word "provided" in the 36th line, to the word "provided" in the 45th line.

Which was agreed to.

Mr. Rogers then moved to strike out the 4th section.

Upon which question the yeas and nays were ordered;

Yeas 2, Nays 24.

Those who voted in the affirmative were,

Messrs. McMillan,	Rogers,
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Those who voted in the negative were,

Messrs. Andros,  
Barton,  
Berry,  
Blair,  
Brierly,  
Briggs,  
Bunker,  
Culbertson,

Felkner,  
Goddard,  
Hackleman,  
Hepner,  
Jay,  
Lewis,  
McCulloch,  
Newell,

Robertson,  
Sales,  
Steele,  
Swearingen,  
Thornton,  
Walworth,  
Wilson,  
Speaker.

So the motion was lost.

Mr. Felkner moved to refer the bill to a select committee of five;

Which was agreed to; and,

The Chair appointed Messrs. Felkner, Hepner, McMillan, Newell and Robertson said committee.

The following message was then received from the Council, by their Secretary, Mr. Fales:

Mr. Speaker—The Council have passed,

No. 58, H. R. file, A bill to authorize Henry De Camp and Samuel H. Colyer to keep a ferry across the Mississippi at the town of Wyoming.

On motion of Mr. Briggs,

The House adjourned.

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### WEDNESDAY MORNING, FEBRUARY 1, 1843.

The House met pursuant to adjournment.

Mr. Briggs presented the petition of the county commissioners of Jackson county, relative to raising the county revenue of said county.

On motion of Mr. Briggs,

The same was referred to a select committee of three.

The Chair appointed Messrs. Briggs, Goddard and Andros.

Mr. Barton, from the committee on engrossed bills, have examined No. 84, H. R. file, An act to authorize Robert McKee & Ovid Grinnell, to construct a dam part way across the Des Moines river;

No. 77, H. R. file, An act for the relief of Laurel Summers;



And find the same to be correctly engrossed.

Mr Barton, from the committee to whom was referred the petition of sundry citizens of Van Buren county in relation hereto, reported,

No. 85, H. R. file, A bill to locate a Territorial road from the northern limits of Missouri to Keosauqua in Van Buren county;

Which was read a first time.

Mr. Andros, on previous notice and leave granted, introduced,

No. 86, H. R. file, A bill to provide for holding elections at Saint Peters and other places;

Which was read a first time.

Mr. Briggs, from the committee, to whom was referred the petition of sundry citizens of Jackson county in relation hereto, reported,

No. 87, H. R. file, A bill to incorporate the Jackson County Academy;

Which was read a first time.

Mr. Walworth, from the select committee, in relation thereto, made the following report:

The committee appointed by this House with instructions to cause Jesse Williams and Thomas Hughes, editors of the Iowa Capitol Reporter, to appear before said committee, and to them give testimony under oath in relation to certain remarks contained in the seventh number of said paper, under date of January 21st, 1843, alleging that "some offers and promises of personal reward and private advantage had been made from a certain quarter, to certain members of the Legislature, in consideration that they would interpose to save the bank," and asserting that "it undoubtedly had weight in the change of opinion" among members of this Legislature, which remarks are as follows:

"To justify these gentlemen in a little better manner than they have done in the article in question, and to show that they are not altogether fools, it is necessary for us to state, and inform the public, that they have a much more substantial argument for so sudden and great a change, some offers and promises of personal reward and private advantage, have, it is well known here, been made from a certain quarter, to certain members of the Legislature, in consideration that they will interpose to save the Bank. There might have been some delicacy in putting this into the manifesto, but it undoubtedly had more weight in the change of opinion than an expectation that the State Bank of Illinois, unable to redeem its own bills, can spare \$50,000 to carry on business abroad;"

Would respectfully report, That they have had the subject referred to them under consideration, and herewith submit the result of their investigation.

Your committee met on the evening of January 23d, and, after or-



ganizing, addressed the following note to Messrs. Williams and Hughes:

JANUARY 23, 1843.

To Jesse Williams & Thomas Hughes—

The committee, appointed by the House of Representatives to take testimony in relation to a certain charge made in the Iowa Capitol Reporter against certain members of the Legislative Assembly, request that you appear before them, now in session, for the purpose of giving such testimony as you may be in possession of, in relation to said charge.

GEO. H. WALWORTH,  
Chairman of Committee.

To this note the committee received the following reply:

GEORGE H. WALWORTH, Esq.

Cha'n. of Com. of Investigation.

Sir—Having received a summons to attend before the Committee of Investigation, appointed to inquire into the truth of certain allegations made in the Reporter of Saturday last, that offers and promises of personal rewards and private advantage, had been made from a certain quarter to certain members of the Legislature. In answer thereto we would state, that we will very cheerfully appear before the committee if an opportunity can be afforded to make a full investigation of the matter; and for this purpose we will ask to have such witnesses as we shall name (now in this city) summoned before the committee, and such questions propounded to said witnesses as we shall suggest.

Very respectfully,

Your obedient servant,

HUGHES & WILLIAMS.

To this communication your committee addressed the following answer:

JANUARY 23, 1843.

To Messrs. Hughes & Williams:

Your communication in answer to the communication of this committee requesting your attendance before them, is now before the committee, in answer to which they have instructed me to say, that their object is to have a full investigation of the matter submitted to them; and, to this end, they will send for any witnesses you may suggest (in this city,) who may be in possession of any information relative to the matter before them, and will propound any questions you may suggest relative to the investigation.

GEO. H. WALWORTH,  
Chairman of Committee.

After which Jesse Williams appeared before the committee, and, being sworn, was asked the following questions, and gave the answers annexed:



Question. To whom does the words "certain quarter" refer in the following sentence: "Some offers and and promises of personal reward and private advantage, it is well known here, have been made from a certain quarter," &c.?

Answer. To Dr. Barrett, of Springfield, Illinois. I have seen a letter over the signature of Richard F. Barrett, written to a member of the Legislature, setting forth that, in case he would use his influence to sustain the Miners' Bank of Dubuque, it should be of personal benefit to him if ever opportunity offered.

Question. Will you state to the committee which of the members received this letter?

Answer. It was James M. Morgan.

Question. Have you seen any other communications on this subject?

Answer. I have not; but the letter stated that letters of the same kind were or would be written to Messrs. Springer, Patterson and Leffler, on the same subject.

Question. Have you any reason to believe that Mr. Morgan has been influenced in his legislative action upon a bill now pending before the House for the repeal of the charter of the Miners' Bank of Dubuque, by the promises contained in the letter received from Barrett?

Answer. I have no reason to believe the letter had any influence whatever on Mr. Morgan's conduct.

Question. Do you know of any facts that lead you to believe that any member of either branch of the Legislature has been, in any degree, influenced in his legislative action upon this subject, by any "promise of reward or private advantage"?

Answer. I know of no facts; have heard some intimations, which, if true, might influence some men; would not say any member of the Legislature.

Question. From whom have you heard those intimations?

Answer. From Dr. Andros and Mr. Rogers.

Question. What were those intimations?

Answer. Dr. Andros once told me that votes for sustaining the Bank were worth something; but, stated that if all the people of his district should petition him, he would not vote to sustain the Bank.

Question. Did Dr. Andros say what votes were worth?

Answer. He did not.



Question. Have you heard any intimations from any one else?

Answer. Do not recollect of any at this time.

Question. Do you know of any other matter or circumstance that would be important to the investigation now being made by the committee?

Answer. Do not.

JANUARY, 24, 1843.

Committee met pursuant to adjournment.

James M. Morgan appeared before the committee, and, being sworn, the following questions were put to him by the committee, to which he gave the annexed answers:

Question. Has any offer, promise or intimation been made to you that any course of conduct, or any action, or vote, on your part, in relation to a bill now pending concerning the Miners' Bank of Dubuque, should or would be to your individual profit, advantage or emolument?

Answer. I have received a communication, in writing, from Dr. Richard F. Barrett, dated "Springfield, Illinois, Dec. 26th, 1842," which letter was handed me by Mr. Mobley, and which I conceive to have been intended to "influence my vote." I have the letter with me—but, before reading or presenting it to the committee, I deem it due to myself to make the following explanation:

I am well acquainted with Dr. Barrett, and a friendly intercourse has always existed between us. Presuming upon this old friendship, which he had a right to do in all matters of a friendly character, the Doctor has addressed to me a "confidential" letter; but I deem it due to myself to say, that the Doctor presumed too much when he took the liberty of addressing me such a letter as that which I shall herewith present, and in which he most improperly seeks, as I think, to influence my vote. On the receipt of this letter, conceiving that the very extraordinary character of its contents absolved me from every obligation to consider said letter as strictly confidential, or as even confidential in the slightest degree, I showed it to some three or four of my friends, and asked their opinion as to the course I should take. We disagreed in opinion; they, or some of them, advising that I should lay it before the House, or in some way give it publicity. I declined taking either course. I declined laying it before the House, because it would not have been in the power of the House to take any action in the matter, as the writer is a citizen of another State, and for such an offence could not be arraigned before any of the authorities of this Territory. I declined publishing it in the newspapers, because I did not wish voluntarily to become the accuser of any one, nor did I wish



to beg a public controversy of so unpleasant a character. Consequently, the receipt of such a letter has, together with its contents, thus far, been known to but few, and probably never would have been known beyond those few but for this investigation, which compels its publicity. It is, perhaps, proper for me to add, that the editors of the Reporter never knew from me that I had such a letter, nor did either of them ever see said letter until Sunday night last, when, hearing of the intention of certain members of the Legislature to inquire into the truth of the remarks of the Reporter, Col. Williams called upon me and inquired whether I had received a letter from Dr. Barrett, or any one else, on the subject of the Bank. I told him I had received a letter on that subject, and showed him Dr. Barrett's. Nor was I aware, until then, (as I had not read closely the Reporter of Saturday,) that any allusions whatever had been made in that paper to any such letter or letters. Thus much I have deemed necessary by way of explanation of my own conduct, and for the purpose of introducing the letter properly to the committee. I surrender it with some regret, as it is calculated to add nothing to the fair fame of an individual whom I have always highly respected, but who, in his zeal to accomplish what may have been to him an important object, has certainly forgotten what was due to the feelings and character of others. His letter reads as follows:

"SPRINGFIELD, ILLINOIS, }  
Dec. 26, 1842. }

"Dear Sir: (Confidential.)

"The Dubuque Bank charter is owned by the Gas Light company in St. Louis, and I am in treaty for it. If I get it, a company of us who can put in from 50 to \$100,000 capital in specie, and we will make it one of the best banks in the Union. I see the charter is menaced. Now I ask your kind offices in preventing its destruction until I can have time to consummate my arrangements. You know my attachments and interests at Burlington, and if I succeed, the institution can and shall throw benefits to that city, and to the whole Territory, and upon you, too, individually, if an opportunity should offer.

"I shall write to Leffler, Springer and Patterson on the subject, and will also try and have the Dubuque delegation influenced. All I want is six or eight months to make arrangements and clear incumbrances from the bank. The capital to start it can be gotten at any time.

Your friend, truly,

RICHARD F. BARRETT."

Question. Has any other offer of "personal reward or private advantage" been made to you in consideration of any action of yours upon the bill now pending before this Legislature concerning the bank?

Answer. There has been none farther than Dr. Barrett's letter would indicate, nor from any other individual.



Question. Have you seen made in writing, or heard made in speech, any overture, promise or intimation similar to either of those in the first question propounded, to any member of either branch of the Legislature?

Answer. None, excepting that contained in the letter addressed to myself.

Dr. F. Andros, sworn.

Question. Have you, since your election as a member of this Legislature, had any conversation, either written or oral, in relation to your intended action in the Legislature upon the matter of the Miners' Bank of Dubuque, from any person interested in said bank, or from any person acting in behalf of those interested, or from any other person, by way of influencing your action or vote in favor of said bank?

Answer. I had a conversation with Messrs. Booth and Corriell on the subject. No offers of money or personal reward were made. Corriell said I would be used up, politically, if I went against the bank.

Question. Has any offer, promise or intimation been made to you, that any course of conduct, or any action, or vote on your part, in relation to a bill now pending concerning the Miners' Bank of Dubuque, should or would be to your individual profit, advantage or emolument?

Answer. No other way than politically.

Question. Did you ever receive any intimation of what a vote would be worth?

Answer. No, unless by way of a joke.

David Bunker, Joseph Newell, Henry Felkner, and R. D. Barton, being sworn, stated that no offers or promises whatever had been made to them upon the subject; that they knew of none having been made to others, and answered questions similar to the preceding in the negative.

George H. Walworth, sworn.

Question. Has any offer, promise or intimation been made to you, that any course of conduct, or any action, or vote, on your part, in relation to a bill now pending concerning the Miners' Bank of Dubuque, should or would be to your individual profit, advantage or emolument?

Answer. None whatever.

Question. Did T. Davis, Augustus Corriell, or any other individual, intimate to you that it would prove to your advantage to sustain the Miners' Bank?



Answer. They did not. No offer or intimation has ever been made to me, by any individual, either orally or written, that I should receive any benefit, reward or advantage whatever, either directly or indirectly, consequent upon any action of mine in relation to said Bank.

Question. By Jesse Williams. Did you furnish the editor of the Standard the information as to the fifty thousand dollars to be furnished for the Bank?

Answer. I have furnished no information, unless it was obtained from statements made by me on the floor of the House, or from some casual conversation not now recollected.

Question. Have you seen made in writing, or heard made in speech, any overture, promise or intimation similar to either of those in the above questions, to any member of either branch of the Legislature.

Answer. I have not, except that contained in General Morgan's letter.

Mr. Mobley, sworn.

Question. Did you bring any letter or letters, to any members of this Legislature; and if so, to whom?

Answer. I did. I brought a letter to Mr. Morgan, Mr. Springer, Mr. Leffler and Mr. Wm. Patterson. I received the letters at Dubuque, from Dr. Barrett, and sealed them and handed them to the gentlemen to whom they were directed.

Question. Did you know the contents of those letters before you delivered them?

Answer. I did; but do not hold myself responsible for any thing they contain.

Question. Do you know Mr. Corriell to have made any offers or intimated to any individuals that it would be to their advantage or benefit to sustain the bank?

Answer. I know of no offer having been made, except what is before the committee, nor have I made any myself to any person.

Mr. G. Hepner, sworn.

Question. Has any offer, promise or intimation been made to you, &c. &c. (as in former questions?)

Answer. None whatever.

Mr. Francis Springer, sworn.



Question. Has any offer, promise or intimation been made to you, &c. (as in the preceding question?)

Answer. None whatever. No intimation of the kind has ever been made to me, either directly or indirectly.

Question. Have you received any letter from any one interested in said bank, or supposed to be interested in procuring a continuation of the bank?

Answer. I have received a confidential communication from Dr. Barrett on the subject, which may be seen by the committee if they desire it.

By request of the committee, the letter was read, and is as follows:

"SPRINGFIELD, ILLINOIS, }  
Dec. 26, 1842. }

"Dear Sir: (Confidential.)

"The charter and stock of the Dubuque Bank is owned by a broken Insurance Company in St. Louis, and I am in treaty for it. If I can get it clear of some incumbrances which now rest on it, \$100,000 capital, if necessary, can be furnished, and it can be made one of the best banks in the Union. It cannot now be gotten hold of; and, should your Legislature destroy the charter, there will be no inducement to get hold of it. The object of this letter is to ask your services, if consistent with your views, to sustain the charter for a few months, until I can make arrangements to clear it up. If I get it, I hereby pledge my honor to you that it shall be a bank of solid capital, and one that shall confer benefits to the whole Territory.

"I have not the pleasure of knowing the Dubuque delegation, but steps will be taken to obtain their favorable action to the sustenance of the charter for a limited time.

Your friend, truly,

RICH'D F. BARRETT.

Hon. Francis Springer."

Question. Have you seen made in writing, or heard made in speech, any overture, promise or intimation, similar to those made in the preceding questions, to any member of either branch of the Legislature?

Answer. Have not, except that contained in the letter to Mr. Morgan.

Mr. Andros was asked the following:

Question. Do you know any thing pertinent to the examination now being made?

Answer. Was told by Mr. Corriell that those who were friendly to the bank could obtain loans, &c.



Mr. Mobley was asked if Mr. Corriell had any interest in the Bank?

Answer. He has no interest in the Bank that I am aware of, except as a bill holder to the amount of about \$500.

Mr. Wm. Patterson, sworn.

Question. Has any offer, promise or intimation been made to you, &c. (as contained in the preceding questions?)

Answer. None whatever.

Question. Have you held any conversation with any person interested, or supposed to be interested, in the Miners' Bank, or in preserving the charter of the same?

Answer. I have received a letter from Dr. Barrett, which may be read before the committee if they desire it.

The letter was produced and read to the committee, and found to contain no promise or intimation of personal reward or private advantage. It reads as follows:

“SPRINGFIELD, ILLINOIS,  
Dec. 26, 1842. } ”

“Dear Sir: (Confidential.)

“The charter and stock of the Dubuque Bank is owned by the Gas Light Company in St. Louis. I am in treaty for it, if the charter can be sustained by your Legislature; and a company of us will put in from 50 to \$100,000 capital in specie at once, as soon as the charter or stock can be cleared of some incumbrances. If it is destroyed by the Legislature, there will be no motive in doing so; but if sustained until we can have time to consummate our plans, a bank that will confer benefits to the whole Territory can and shall be made of it.

“The Banks in this State will be forced into liquidation, and if the Dubuque Bank can be saved, it and the Missouri Bank will be all in this portion of the county. I expect you, in the general, are opposed to banks, particularly such as we have had. This, however, if I become concerned in it, shall be the best in the west. I pledge you my honor to this, and you may rely on it. So if you can, consistently with your views, sustain it, I hope you will do so, and it will place me under lasting obligations to you.

Your friend, truly,

RICHARD F. BARRETT.”

Question. Has it ever been intimated to you that any course of conduct on your part in relation to said Bank would be a means of procuring for you any loan or loans of money from said Bank?

Answer. It never has.

Question. Have you seen made in writing, or heard made in



speech, any overture, promise or intimation, similar to either of those named in the above questions, to any member of either branch of the Legislature?

Answer. Have not.

Mr. Hughes, one of the editors of the Reporter, sworn.

Question. To whom do the words "certain quarter" refer, in the sentence in the Reporter, setting forth that promises of personal reward had been made from a "certain quarter"?

Answer. Mr. Barrett, of Springfield.

Question. To whom do the words "certain members of the Legislature" refer in the sentence "some offers and promises of personal reward and private advantage, have, it is well known here, been made from a certain quarter to certain members of the Legislature"?

Answer. None others but those members who have received letters spoken of by Mr. Williams.

Question. Have you any reason to believe that either of those members have been influenced by any overtures or promises made to them?

Answer. Have not.

Question. To whom do the words "certain men" refer in the sentence "it has been better known from the beginning how certain men would act in this matter than they probably imagine"?

Witness declines answering the question. Mr. Williams, the other editor, declines answering the same question.

JANUARY 26, 1843.

Messrs. I. N. Lewis, Thomas McMillan, J. B. Teas, J. M. Robertson and S. Leffler were sworn.

Question. Has any offer, promise or intimation been made to you, or either of you, that any course of conduct, or any action, or vote, on your part, in relation to a bill now pending concerning the Miners' Bank of Dubuque, should or would be to your individual profit, private advantage or emolument?

Answer. By Mr. Leffler. All the inducements held out to me were of a public nature, as contained in a letter received from Mr. Barrett.

The letter was produced and read to the committee, and was found to contain no promise or intimation of private reward.

The letter is herewith submitted to the House, and is as follows:



"SPRINGFIELD, ILLINOIS,  
Dec. 26, 1842. }

"Dear Sir: I talked to you, when I last saw you, on the subject of the Miners' Bank of Dubuque. The stock is owned by the Gas Light Company of St. Louis, which has wholly failed. There are also some incumbrances on the stock that cannot be removed immediately, but, if I am allowed a little time, I think they can be. So save the charter if possible until I can have time to turn around. If it can be saved, one of the best institutions in the west can be made of it, and can and shall be made useful to Burlington, and the whole Territory. You know me and my resources; you know, also, that I never Wild Cat it, and if I take hold of this, I pledge to you my honor it shall be the very best Bank in the West.

Be kind enough to attend to the other matters I informed you of, and oblige

"Your sincere friend,  
"RICH'D F. BARRETT."

P. S. Say nothing, but be sure to save the charter. Rogers, of Dubuque, will be put right, if possible, by Mr. Mobley and Mr. Corriell, and appliances are already in motion to do it.

[A portion of the postscript was erased as above.]

The above question was answered in the negative by Messrs. Lewis, McMillan, Teas and Robertson.

Other questions (of like import to those asked witnesses before examined) were then put to all the witnesses on the stand, and all answered in the negative.

JANUARY 27, 1843.

The following witnesses, members of the Legislature, were sworn:

J. P. Cook, J. D. Elbert, Gen. Gehon, Thos. Cox, A. Briggs, Evan Jay, John C. Berry, Peyton Wilson, J. W. Culbertson, James Brierly, E. S. McCulloch, R. M. G. Patterson, W. Steele, D. E. Blair, E. Goddard, and Samuel Swearengin—to each of whom were put the same questions that had been propounded to the other witnesses, to all of which they each answered in the negative, excepting Thos. Cox, who stated that he had received letters upon the subject of the Bank, but that they contained no promises or intimations of private or personal reward.

Mr. Rogers was then sworn.

The before mentioned questions were propounded to Mr. Rogers, and were answered in the negative, excepting that Mr. Corriell told Mr. Rogers that the Bank would be in the hands of his friends, and that Mr. Davis would not be the attorney of the Bank any longer.



Pleasant Harris and D. J. Sales were then sworn.

To whom the questions were put as above, and answered in the negative.

Your committee would state that the testimony herewith submitted, is the result of an examination of all the members of both branches of the Legislature, the editors of the Reporter, Messrs. Hughes & Williams, and Mr. Mobley, a gentleman from Springfield, Illinois, who brought the letters from Dr. Barret to Messrs. Morgan, Springer, Leffler and Patterson, as represented in the testimony.

Your committee have examined all witnesses who were supposed to be in possession of any information relative to the matter submitted to them, and have included in the report all testimony important or relevant to the matter under consideration.

It will be seen from the testimony that Richard F. Barret, of Springfield, Illinois, has addressed four letters to members of the Legislature—one to a member of the House, and three to members of the Council. The one to the House addressed to James M. Morgan, contains a promise of private advantage, by which it appears that Mr. Barrett has very improperly sought to influence Mr. Morgan's action in relation to the Miners' Bank of Dubuque.

The letters sent to members of the Council, are herewith submitted, and will be seen to contain nothing improper, or in any degree objectionable.

It is but justice to Mr. Morgan, as well as to Messrs. Rogers and Andros, to say that it does not appear from the testimony, that they have been influenced in the slightest degree, by such promises or intimations; but on the contrary, the testimony as well as their conduct, shows most conclusively that they were not.

By the testimony it appears that no promise or intimation has been made to any other members of either branch of the Legislature, and as it is stated by the editors of the Reporter that they had no reason to believe that either Messrs. Morgan, Rogers or Andros, were influenced in any degree by any overtures made to them, and that they know of no facts or intimations that lead them to suppose that any other member has been influenced in any degree, by any such overture, it appears evident to your committee, that the allegations contained in the Reporter "that offers and promises of personal reward and private advantage" had, undoubtedly, had weight in the change of the opinion of members, is not only unsustained by any testimony, but is proven to be untrue.

It further appears, by the testimony of the editors themselves, that they had not the slightest grounds upon which to base the charge.



Your committee would, therefore, recommend the adoption of the following preamble and resolutions.

Whereas, it appears by the testimony herewith submitted, that overtures, highly improper, have been made by Richard F. Barrett, of Springfield, Illionois, to a member of this Legislature :

And whereas, it has been represented, by an article in the Iowa Capitol Reporter, that members of this Legislature have been influenced by such overtures :

And whereas, it appears from the testimony that such representation is untrue :

Therefore,

Resolved, That we regard the communication of Richard F. Barrett to James M. Morgan as highly improper and unworthy of a gentleman or an honorable man.

Resolved, That we deem the delivery of the letter by Mr. Mobley to Mr. Morgan, the contents being known to Mr. Mobley, as rendering him, to some extent, culpable or accessory to the offence committed by Mr. Barrett.

Resolved, That we regard the course pursued by James M. Morgan, in relation to said communication, as indicating no disposition to be influenced, in the slightest degree, by the overtures therein contained.

Resolved, That we regard the charge contained in the Iowa Capitol Reporter of the 21st instant, implicating members with having been influenced in their legislative action by promises of personal roward and private advantage, as utterly untrue and highly reprehensible in its character, and therefore we deem the editors justly deserving the censure of this House.

On motion of Mr. Hepner,

The report was laid upon the table.

Mr. Hackleman, from the committee to whom was referred the petition of sundry citizens of Lee county; and also,

No. 44, C. file, A bill to relocate the Territorial road leading from Burlington, in Des Moines county, via. Fort Madison in Lee county, to the bridge on Sugar creek in said county;

Begs leave to report the same back to the House and recommend its passage,

Mr. Hackleman, from the committee, to whom was referred,

No. 48, H. R. file, A bill providing for and regulating general elections in this Territory;

Reported the same back to the House with the following amendments:



Sec. 1 and 2. Strike out in the first and second sections all that relates to "Assessor," and insert "Collector" in lieu thereof.

Sec. 12. Strike out all from the word "election" in the 7th line, to the word "the" in the 10th line.

Mr. Hepner, from the committee, to whom was referred,  
No. 65, H. R. file, A bill to define the duties of Territorial Agent and for other purposes;

Reported the same back to the House with sundry amendments.

Mr. Lewis, from the committee on enrolled bills, reported that they had examined,

An act establishing the prices of the public printing;

And find the same to be correctly enrolled.

No. 45, C. file, An act relative to promisory notes, bonds, due bills, and other instruments of writing;

Being under consideration,

Mr. McMillan moved

To amend the 8th section, by striking out the word "lawful" in the 15th line, and inserting "the duty;"

Which was agreed to; when,

On motion of Mr. McMillan,

The same was ordered to be read a third time to-morrow.

No. 55, C. file, An act authorizing the Judge of probate of Van Buren county, to appoint some suitable person to transcribe the probate records of said county;

No. 77, H. R. file, An act for the relief of Laurel Summers; and,

No. 84, H. R. file, An act to authorize Robert McKee and Ovid Grennell, to construct a dam part way across the Des Moines river;

Were severally read a third time, passed and titles agreed to.

No. 33, C. file, An act concerning mortgages;

Being the order of the day, was considered in committee of the whole, Mr. Andros in the chair; and,

After some time spent therein, the committee rose, and by their chairman reported progress, and asked leave to sit again;

Which was granted.

No. 39, C. file, An act concerning costs and fees;

Being the order of the day, was considered in committee of the whole, Mr. Berry in the Chair, and,

After some time spent therein, the committee rose, and, by their chairman, reported progress and asked leave to sit again;

Which was granted; when,

On motion of Mr. Barton,

The House adjourned.



## TWO O'CLOCK, P. M.

No. 39, C. file, An act concerning costs and fees;

Was resumed in committee of the whole, Mr. Berry in the chair; and,

After some time spent therein, the committee rose, and by their chairman reported the same back to the House with sundry amendments;

Which were concurred in.

On motion of Mr. Newell,

The amendments were ordered to be engrossed and with the bill read a third time to-morrow.

The following message was received from the Council, by their Secretary, Mr. Fales:

Mr. Speaker—The Council have passed,

No. 57, C. file, An act to amend an act to district the Territory into electoral districts.

No. 73, H. R. file, An act to relocate a part of a Territorial road in Washington county.

No. 79, H. R. file, An act to incorporate the Iowa Medical Society.

Also with amendments,

No. 56, H. R. file, An act relative to liens and for other purposes.

The Council have also passed,

No. 42, C. file, An act to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings.

In which the concurrence of the House is requested.

I am directed to present for your signature,

An act defining the jurisdiction of the Supreme and District Courts.

An act to incorporate an Academy in Denmark, Lee county.

An act regulating mills and millers, and for other purposes.

I herewith return

An act establishing the prices of public printing.

The same having been signed by the President of the Council.

Mr. Newell moved

To take from the table, the report of the select committee of investigation, relative to a certain article in the Iowa Capitol Reporter;

Which was lost.

No. 48, H. R. file, A bill providing for and regulating general elections in this Territory;



Was taken up, and the amendments made by the select committee,  
to whom the same was referred,  
Were read and concurred in.

Mr. Barton moved  
To strike out in the 19th line of the 12th section, the words "know-  
ing it to be false," and insert "if the same is proven to be false;"  
Which was lost.

Mr. Walworth moved  
To amend by inserting after the word "person" in the 25th line,  
the words "on being challenged;"  
Which was agreed to.

Mr. Jay then moved  
To strike out the proviso to said 12th section;  
Which was lost; and,  
On motion of Mr. McMillan,  
The bill was ordered to be engrossed and read a third time to-mor-  
row.

On motion of Mr. Barton,  
The House adjourned.

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#### THURSDAY MORNING, FEBRUARY 2, 1843.

The House met pursuant to adjournment.

Mr. Wilson presented the petition of sundry citizens of Henry coun-  
ty, asking that the 4th section of the act of this Territory regulating  
Blacks and Mulattoes, be repealed; which,

On motion of Mr. Wilson,  
Was referred to the committee on the judiciary.

Mr. Sales presented the petition of sundry citizens of Des Moines  
county, remonstrating against the passage of a stay or valuation law;  
which,

On motion of Mr. Sales,  
Was ordered to lie on the table.

Mr. Bunker presented the petition of sundry citizens of Iowa Terri-  
tory, asking that Hiram Himes and Abraham Scott be authorized to  
keep a ferry across English river; which,

On motion of Mr. Bunker,



Was referred to a select committee of three.

The Chair appointed Messrs. Bunker, Felkner and Culbertson, said committee.

Mr. Hackleman gave notice that he would, on some future day, ask leave to introduce

A bill for the relief of petit jurors in Des Moines county.

Mr. Hepner introduced the following minority report:

The undersigned, a minority of the committee of investigation appointed to receive testimony in relation to certain remarks contained in the Iowa Capitol Reporter of the 21st January, in relation to the Miners' Bank of Dubuque, being unable to concur in the report of the majority of the committee, beg leave to state their views to the House.

The committee proceeded to take testimony in relation to the matter referred to them; and the testimony so taken is submitted to the House in the report of the majority of the committee.

By that testimony it appears that offers of individual advantage were made to some of the members of the Legislature, to induce them to favor the Bank, as it was stated in the Reporter. The knowledge of these offers should have awakened a vigilant and faithful public press, and were such as required that they should be made known to the public. We cannot consider the editors of the Reporter as obnoxious to any censure for making it known. What the influence of these offers may have been on individuals was matter of opinion and inference only. The offers were corrupting, and therefore alarming.

The other city press had stated that many members who were at first opposed to the Bank and in favor of repeal of the charter, had changed their opinions; and at the same time stated reasons for the change, which to many minds would be considered fallacious and insufficient certainly to work so sudden and great a change.

This fact certainly was such as might well create a suspicion that the corrupt offers known to have been made had not fallen wholly without effect. It was stated in the article which has given rise to the investigation, as matter of faith not of fact, as suspected not as known. We cannot therefore think the editors of that journal in fault.

But we have another reason for not concurring in the resolution which declares them worthy of censure. The matter is not, as we think, within the authority or jurisdiction of this House. The public and the press have a right to speak of the conduct of members of the Legislature, as freely as of others. If there is any difference, more liberty is allowed in speaking of public, than of private men. If the press transcends its rightful limits, the judicial tribunals of the land are



open for the redress of the injured party. But the Legislature cannot punish or censure an individual for speaking against its members. This authority it is well known was assumed by Congress in the last century, well known as the gag law. But the law received, as it deserved, the execration of the nation, and was very speedily repealed. The last forty years has not witnessed the assumption of such a power by any Legislature in the Union, and it has long been regarded as dangerous to attempt it. It could not now be done with safety. The public in this country will not allow the press to be muzzled; but the law holds out a remedy for any one injured by its licentiousness. The judiciary department of the government is the proper deposit of this power. The law as it exists is a sufficient protection to the citizen, whether in a public or private capacity, and any action of the Legislature in the matter would be an encroachment on the judicial branch of the government, an exercise of power without law, and in derogation of the justly valued rights of the citizen and of the public press. We are therefore of opinion, that, the House having no power to censure, it would be merely unavailing to declare that the editors of the Reporter are worthy of reprehension.

The committee of investigation was raised upon the motion of the gentleman who makes the majority report, for the purpose, as it was declared, of showing his innocence, and of ascertaining if other members were guilty, not for the purpose of punishing or censuring the press. The House would not have raised a committee for the latter purpose, well knowing it is beyond their power.

The committee was raised as an indulgence or favor to the mover of it, to enable him to clear his own character of the imputation which he declared rested upon it; not for the purpose or with the view of enabling him to take advantage of his place for assailing the character of the editors of the Reporter.

GEORGE HEPNER,  
HENRY FELKNER.

On motion of Mr. Morgan,  
Said report was laid upon the table.

Mr. Barton, from the committee on engrossed bills, reported that they had examined

No. 73, H. R. file, An act to relocate a part of a Territorial road in Washington county.

And find the same to be correctly engrossed.

Mr. Lewis, from the committee on enrolled bills, reported that they had examined,

An act to authorize Henry De Camp and Samuel H. Colyer to keep a ferry across the Mississippi at the town of Wyoming.

And find the same to be correctly enrolled.



Mr. Hackleman moved to take up,  
No. 80, H. R. file, A joint resolution to authorize Hughes and Williams to print the Laws of the present session;  
Which was agreed to.

Mr. McMillan moved  
To insert the word "general," after the word "the" in the 5th line;  
Which was lost.

Mr. Newell moved  
To strike out "Hughes & Williams," and insert "Russell;"  
Pending which,  
On motion of Mr. Sales,  
A call of the House was ordered, which was had, and absent members sent for; when,  
On motion of Mr. Barton,  
The further call of the House was dispensed with.

The question then recurring upon the adoption of the amendment;  
and,  
Upon which the yeas and nays were ordered;  
Yeas 11, Nays 15.

Those who voted in the affirmative were,		
Messrs. Blair,	Newell,	Thornton,
Jay,	Robertson,	Walworth,
Lewis,	Sales,	Wilson.
McMillan,	Steele,	

Those who voted in the negative were,		
Messrs. Andros,	Bunker,	Hepner,
Barton,	Culbertson,	McCulloch,
Berry,	Felkner,	Rogers,
Brierly,	Goddard,	Swearingen,
Briggs,	Hackleman,	Speaker.

So the motion was lost.

Mr. Lewis moved  
To fill the blank of the same with 3000;  
Which was agreed to.

Mr. Hackleman moved  
That the same be engrossed and read a third time on to-morrow;  
Upon which the yeas and nays were ordered;  
Yeas 18, Nays 7.

Those who voted in the affirmative were,		
Messrs. Andros,	Felkner,	McCulloch,
Barton,	Goddard,	McMillan,
Berry,	Hackleman,	Rogers,
Brierly,	Hepner,	Steele,



Briggs,  
Culbertson,

Jay,  
Lewis,

Swearingen,  
Speaker.

Those who voted in the negative were,

Messrs. Blair,

Bunker,

Robertson,

Sales,

Thornton,

Walworth,

Wilson.

So the motion was agreed to.

Mr. Sales offered the following:

Resolved, That James G. Edwards be employed to print the Journal of the House of Representatives, of the present session.

Mr. Morgan moved

To amend the same by inserting "480 copies" after the word print, in the second line;

Which was agreed to.

Mr. Walworth moved

To strike out "James G. Edwards" and insert "William Crum;"

Upon which the yeas and nays were ordered;

Yeas 18; Nays 8.

Those who voted in the affirmative were,

Messrs. Barton,

Berry,

Brierly,

Bunker,

Culbertson,

Felkner,

Goddard,

Hackleman,

Hepner,

Jay,

McCulloch,

McMillan,

Rogers,

Steele,

Swearingen,

Thornton,

Walworth,

Speaker.

Those who voted in the negative were,

Messrs. Andros,

Blair,

Briggs,

Lewis,

Newell,

Robertson,

Sales,

Wilson.

So the motion was agreed to.

The question then recurring upon the adoption of the resolution; and, Upon which the yeas and nays were ordered;

Yeas 22; Nays 4.

Those who voted in the affirmative were,

Messrs. Andros,

Barton,

Berry,

Blair,

Brierly,

Bunker,

Culbertson,

Felkner,

Goddard,

Hackleman,

Jay,

Lewis,

McCulloch,

McMillan,

Newell,

Rogers,

Steele,

Swearingen,

Thornton,

Walworth,

Wilson,

Speaker.

Those who voted in the negative were,



Messrs. Briggs,  
Hepner,

Robertson,

Sales.

So the resolution passed.

The following message was then received from the Council, by their Secretary, Mr. Fales:

Mr. Speaker—The Council have passed

No. 56, C. file, An act to establish new counties and define their boundaries.

No. 59, C. file, A joint resolution authorizing pay to John B. Russell for printing the Journal of the Council of 1841 and '42.

No. 60, C. file, An act to amend an act for the incorporation of the town of Mt. Pleasant.

No. 67, H. R. file, An act to abolish imprisonment for debt;

No. 75, H. R. file, A joint resolution fixing the compensation to Wilson and Keesecker for printing the Journal of the House of Representatives for 1841 and '42.

No. 77, H. R. file, An act for the relief of Laurel Summers;

Also with amendments,

No. 27, H. R. file, An act to prevent and punish gaming;

In which, the concurrence of the House is requested.

No. 85, H. R. file, A bill to locate a Territorial road from the northern limits of Missouri to Keosauqua, in Van Buren county;

Was read a second time; and,

On motion of Mr. Barton,

The same was ordered to be engrossed and read a third time to-morrow.

No. 86, H. R. file, A bill to provide for holding elections at St. Peters, and other places;

Was read a second time; and,

On motion of Mr. Andros,

The same was ordered to be engrossed and read a third time to-morrow.

No. 87, H. R. file, An act to incorporate the Jackson county Academy;

Was read a second time; and,

On motion of Mr. Briggs,

The same was ordered to be engrossed and read a third time to-morrow.

No. 45, C. file, An act relative to promissory notes, bonds, due-bills and other instruments of writing;

Was read a third time, passed and title agreed to.

No. 42, C. file, An act to provide for the election of Justices of the Peace, to proscribe their powers and duties, and to regulate their proceedings;



Was read a first time; and,  
On motion of Mr. Andros,  
The same was referred to a select committee.

The Chair appointed Messrs. Andros, Hackleman, Hepner, Briggs and Barton, said committee.

No. 57, C. file, An act to amend an act to district the Territory into electoral districts;

Was read a first time.

Mr. Berry moved to reject the same;  
Upon which the yeas and nays were ordered;  
Yeas 13; Nays 12.

Those who voted in the affirmative were,

Messrs. Andros,	Felkner,	McCulloch,
Berry,	Goddard,	Rogers,
Brierly,	Hackleman,	Swearingen,
Briggs,	Hepner,	Speaker.
Culbertson,		

Those who voted in the negative were,

Messrs. Barton,	Lewis,	Sales,
Blair,	McMillan,	Steele,
Bunker,	Newell,	Thornton,
Jay,	Robertson,	Walworth.

So the said bill was rejected.

No. 56, H. R. file, A bill relative to mechanics' liens, and for other purposes;

As reported from the Council with amendments, was considered and concurred in by the House; when,

On motion of Mr. Rogers,  
The House adjourned.

## TWO O'CLOCK, P. M.

Mr. McCulloch, from the committee to whom was referred the petition of sundry citizens of Lee county in relation hereto, reported,

No. 88, H. R. file, An act supplemental to an act entitled an act for the relocation of the county seat of Lee county;

Which was read a first time; and,

On motion of M. McCulloch,  
The 42d rule was suspended; and,



The same was read a second and third time, passed and title agreed to.

No. 38, C. file, An act to regulate weights and measures;

Being the order of the day, was considered in committee of the whole, Mr. Briggs in the chair; and,

After some time spent therein, the committee rose, and by their chairman reported the same back to the House without amendment;

Which was concurred in; when,

On motion of McMillan,

The same was ordered to be read a third time to-morrow.

No. 68, H. R. file, A bill to incorporate the Farmers' Half Breed Land Company in the county of Lee;

Being the order of the day, was taken up, and

On motion of Mr. Brierly,

The consideration of the same was postponed.

No. 70, H. R. file, A bill relative to the probate of wills, executors, administrators, guardians, trustees of minors and probate courts, and for defining their duties;

Being the order of the day was considered in committee of the whole Mr. Rogers in the chair; and,

After some time spent therein the committee rose and by their chairman reported the same back to the House with amendments;

Which were considered separately.

The question was then taken upon the first amendment of the committee, which was to strike out the 20th section, was put and agreed to.

The question was then taken upon the second amendment, which was to strike out the 34th section; pending which,

Mr. Barton moved to amend the amendment of the committee by striking out the following, "each county shall provide all books necessary for the keeping of the records in the office of the Judge of Probate;"

Which was agreed to.

The question then recurring upon the amendment as amended,

Was put and agreed to; when,

On motion of Mr. McMillan,

The same was ordered to be engrossed and read a third time to-morrow.

No. 39 C. file, An act concerning costs and fees;

Was read a third time, passed and title agreed to.

No. 74, H. R. file, A bill to amend an act entitled an act to incorporate the city of Kcosauqua;



Being the order of the day, was considered in committee of the whole Mr. Lewis in the chair; and,

After some time spent therein, the committee rose, and by their chairman reported the same back to the House with amendments;

Which were concurred in; when,

On motion of Mr. Lewis,

The same was ordered to be engrossed and read a third time to-morrow.

No. 33, C. file, An act concerning mortgages;

Was taken up; and,

On motion of Mr. McMillan,

Laid on the table.

No. 65, H. R. file, A bill to define the duties of Territorial Agent;

Being reported back to the House, with sundry amendments, by the select committee to whom the same was referred,

Was considered and the amendments thereto agreed to.

Mr. Felkner then moved

To amend the 5th section in the 1st and 2d lines by striking out the words "it shall be the duty of the Agent," and insert the words "the Agent shall be authorized,"

Which was agreed to.

Mr. Felkner moved

To amend the 8th section by striking out "\$800" and inserting "\$500."

A division of the question was had; and,

The question was taken upon striking out and lost; when,

On motion of Mr. Hepner,

The bill was ordered to be engrossed and read a third time on Saturday next.

Mr. Barton moved

To reconsider the vote had upon engrossing,

No. 70, H. R. file, A bill relative to probate of wills, &c.;

Which was agreed to; when,

On motion of Mr. Barton,

The same was referred to a select committee of three.

The Chair appointed Messrs. Barton, Hepner and Andros, said committee.

No. 56, C. file, An act to establish new counties and define their boundaries in the late cession from the Sac and Fox Indians, and for other purposes;

No. 59, C. file, A joint resolution authorizing pay to John B. Russell, for printing the Journal of the Council;

And,

No. 60, C. file, An act to amend an act entitled an act, for the incorporation of the town of Mt. Pleasant;



Were severally read a first time.

No. 27, H. R. file, An act to prevent and punish gaming;

Being reported from the Council with amendments;

The same was considered separately, and agreed to.

No. 44, C. file, An act to relocate the Territorial road leading from Burlington, in Des Moines county, via. Fort Madison in Lee county, to the bridge on Sugar creek in said county;

Was reported back to the House by the committee to whom the same was referred, without amendment;

Was considered; and,

On motion of Mr. McMillan,

Was read a third time and passed and title agreed to.

On motion of Mr. Barton,

The House adjourned.

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FRIDAY MORNING, FEBRUARY 3, 1843.

The House met pursuant to adjournment.

Mr. Bunker presented the petition of sundry citizens of Washington and Henry countys relative to a certain road; which,

On motion of Mr. Bunker,

Was referred to the delegation from Washington and Henry counties.

Mr. Newell presented the petition of Elizabeth Ridgaway, asking to be divorced from her husband Wm. C. Ridgaway; also,

The petition of sundry citizens in relation to the same; which,

On motion of Mr. Newell,

Were laid on the table.

Mr. Barton presented the petition of Mary Duval asking to be divorced from her husband Rezin Duval; which,

On motion of Mr. Barton,

Was ordered to lie on the table.

Mr. Rogers, on previous notice and leave granted, introduced No. 89 H. R. Joint resolution relative to the printing of the Reports of the Supreme Courts;

Which was read a first time.



Mr. Walworth, gave notice that he would, on some future day, ask leave to introduce,

A bill to authorize William Dillon to keep a ferry across Cedar river at Rochester in Cedar county; also,

A bill to encourage the destruction of wolves.

Mr. Newell gave notice that he would, on some future day, ask leave to introduce,

A bill to divorce Elizabeth Ridgaway from her husband Wm. C. Ridgaway, and to change the name of her son.

Mr. Barton from the committee on engrossed bills, have examined, No. 85, H. R. file, An act to locate a Territorial road from the northern limits of Missouri to Keosauqua in Van Buren county.

No. 80 H. R. file, Joint resolution authorizing Hughes & Williams to print the laws of the present session.

No. 48, H. R. file, A bill providing for and regulating general elections in this Territory.

No. 74 H. R. file, An act to amend an act entitled an act to incorporate the city of Keosauqua;

And find the same to be correctly engrossed.

Mr. Barton, from the select committee, to whom was referred

No. 70 H. R. file, A bill relative to probate of wills, &c.;

Reported the same back to the House with sundry amendments;

Which were concurred in; when,

On motion of Mr. Barton,

The 42nd rule was suspended;

The same was read a second and third time, passed and title agreed to.

Mr. Newell, from the select committee, to whom was referred

No. 52, H. R. file, A bill to prevent damage by the firing of prairies;

Reported the same back to the House with sundry amendments.

Mr. Felkner, from the committee to whom was referred

No. 22, C. file, An act subjecting real and personal estate to execution;

Reported the same back to the House with amendments.

Mr. Wilson, from the select committee, to whom was referred the petition of sundry citizens of Salem in relation to their town charter, reported;

No. 91 H. R. file, An act to amend an act to incorporate the town of Salem in Henry county;

Which was read a first time.

Mr. Hackleman, on previous notice and leave granted, introduced,

No. 90 H. R. file, A bill for the relief of petit jurors in certain cases;

Which was read a first time.



Mr. Brierly, from the select committee, to whom was referred the petition of sundry citizens in relation hereto, reported,

No. 92 H. R. file, A bill to authorize the county commissioners of Scott and Lee counties to grant licences to pilots, &c.;

Which was read a first time.

Mr. Lewis, from the committee on enrolled bills, reported that they had examined,

An act to incorporate the Iowa Medical Society.

Joint resolution fixing the compensation to Wilson & Keesecker for printing the Journals of the H. R. for 1841 and '42.

An act for the relief of Laurel Summers.

And find the same to be correctly enrolled.

Mr. Newell moved

That a select committee be appointed, to take under consideration all petitions relative to divorces, that have been presented, and that they be instructed to report by bill or otherwise;

Which was agreed to.

The Chair appointed Messrs. Newell, Barton, Berry, Briggs, Culbertson, Felkner, Goddard, Hackleman, McCulloch and Wilson, said committee in compliance with the above.

No. 56, C. file, An act to establish new counties and define their boundaries, in the late cession from the Sac and Fox Indians, and for other purposes;

Was read a second time.

Mr. Rogers moved to lay the same on the table;

Which was lost; when,

On motion of Mr. McMillan,

The same was committed to the committee of the whole and made the order of the day for Tuesday next.

No. 59, C. file, Joint resolution authorizing pay to Jno. B. Russell, for printing the Journal of the Council;

Was read a second time.

No. 60, C. file, An act to amend an act entitled an act for the incorporation of the town of Mt. Pleasant.

No. 48, H. R. file, A bill providing for and regulating general elections in this Territory.

No. 86, H. R. file, A bill to provide for holding elections at Saint Peters, and other places.

No. 87, H. R. file, An act to incorporate the Jackson county Academy.

No. 38, C. file, An act to regulate weights and measures.

No. 74, H. R. file, An act to amend an act entitled an act to incorporate the City of Keosauqua.



No. 85, H. R. file, An act to locate a Territorial road from the northern boundaries of Missouri, to Keosauqua, in Van Buren county.

Were severally read a third time, passed and titles agreed to.

No. 80, H. R. file, A joint resolution to authorize Hughes & Williams to print the laws of the present session;

Was read a third time; and,

Upon the question,

Shall the same pass?

The yeas and nays were ordered;

Yeas 18, Nays 8.

Those who voted in the affirmative were,

Messrs. Andros,

Barton,

Berry,

Brierly,

Briggs,

Culbertson,

Felkner,

Goddard,

Hackleman,

Hepner,

Jay,

Lewis,

McCulloch,

McMillan,

Rogers,

Sales,

Swearingen,

Speaker.

Those who voted in the negative were,

Messrs. Blair,

Bunker,

Newell,

Robertson,

Steele,

Thornton,

Walworth,

Wilson.

So the resolution passed.

No. 68, H. R. file, A bill to incorporate the Farmer's Half Breed Land Company, in the county of Lee;

Being the order of the day, was considered in committee of the whole, Mr. McMillan in the Chair, and,

After some time spent therein, the committee rose, and, by their chairman, reported the same back to the House with amendments;

Which were concurred in.

Mr. Barton moved

A call of the House, which was had, and absent members sent for, who appearing in their seats,

On motion of Mr. Barton,

The further call of the House was dispensed with.

Mr. Wilson moved

To amend the 9th section by inserting in the 4th line, after the word "security," the following "as in double the amount that may be committed to his charge;"

Which was agreed to.

Mr. Robertson moved

That the same be engrossed and read a third time to-morrow.

Upon which the yeas and nays were ordered;



Yeas 18, Nays 8.

Those who voted in the affirmative were,

Messrs. Barton,	Lewis,	Steele,
Blair,	McCulloch,	Swearingen,
Brierly,	McMillan,	Thornton,
Bunker,	Newell,	Walworth,
Goddard,	Robertson,	Wilson,
Jay,	Sales,	Speaker.

Those who voted in the negative were,

Messrs. Andros,	Culbertson,	Hepner,
Berry,	Felkner,	Rogers.
Briggs,	Hackleman,	

So the motion to engross prevailed.

On motion of Mr. McMillan,  
The House adjourned.

#### TWO O'CLOCK, P. M.

No. 72, H. R. file, A bill to relocate the county seat of Clayton county;

Being the order of the day was considered in committee of the whole, Mr. McCulloch in the chair; and,

After some time spent in considering the same, the committee rose and by their chairman reported the same back to the House with amendments;

Which were concurred in; when,

On motion of Mr. Wilson,

The same was ordered to be engrossed and read a third time tomorrow.

The following message was received from the Council, by Mr Fales, their Secretary:

Mr. Speaker—The Council have indefinitely postponed

No. 81, H. R. file, An act requiring certain county officers to keep their respective offices at the county seat;

The Council have disagreed to the amendment made by the House to the 20th section of

No. 39, C. file, An act concerning costs and fees;

And have amended the amendment of the House made to the 22d section;

And have concurred in all other amendments.



The Council have passed

No. 63, C. file, An act to amend an act entitled an act, for the incorporation of the town of Ft. Madison;

No. 88, H. R. file, An act supplemental to an act for the relocation of the county seat of Lee county;

Also, with amendments

No. 78, H. R. file, A joint resolution relative to seals for Delaware county, &c.;

I herewith present for your signature,

An act relative to promissory notes, bonds, due bills, and other instruments of writing.

No. 22, C. file, An act subjecting real and personal estate to execution.

With amendments, being reported back to the House, by the select committee, to whom the same was referred,

Was considered, and the amendments concurred in.

Mr. Newell moved

To recommit the same to a select committee.

Mr. Newell moved

A call of the House, which was had,

And absent members sent for, who appearing in their seats,

On motion of Mr. Briggs,

The further call of the House was dispensed with.

The question then recurring upon the original motion, which was to recommit the bill to a select committee.

Upon which the yeas and nays were ordered;

Yeas 19, Nays 7.

Those who voted in the affirmative were,

Messrs. Andros,

Berry,

Blair,

Brierly,

Briggs,

Bunker,

Culbertson,

Goddard,

Hackleman,

Hepner,

Jay,

McCulloch,

Newell,

Robertson,

Steele,

Swearingen,

Thornton,

Walworth,

Wilson.

Those who voted in the negative were,

Messrs. Barton,

Felkner,

Lewis,

McMillan,

Rogers,

Sales,

Speaker.

So the motion was agreed to; and,

The Chair appointed Messrs. Newell, Jay and Blair, said committee.

Mr. Newell, from the select committee, to whom was referred with instructions

No. 22, C. file, An act subjecting real and personal estate to execution;



Reported the same back to the House with the following amendments, to wit:

Strike out the following proviso to the 28th section: "Provided, that no execution already issued, shall be effected by this repeal;"

Also, the following additional section:

"Sec. -. That nothing in this act contained, shall be so construed as to effect executions which may issue upon judgments obtained prior to the passage of this act."

The question was then taken upon concurring in the amendments of the committee; and,

Upon which the yeas and nays were ordered;

Yeas 19, Nays 7.

Those who voted in the affirmative were,

Messrs. Andros,	Goddard,	Steele,
Berry,	Hackleman,	Swearingen,
Blair,	Hepner,	Thornton,
Brierly,	Jay,	Walworth,
Briggs,	McCulloch,	Wilson.
Bunker,	Newell,	
Culbertson,	Robertson,	

Those who voted in the negative were,

Messrs. Barton,	McMillan,	Sales,
Felkner,	Rogers,	Speaker.
Lewis,		

So the amendments of the committee were concurred in.

Mr. Hepner offered the following as an additional section;

"This act to take effect from and after the 1st of March next. And that the printers employed to print the laws of this session, print fifteen hundred copies in pamphlet form, and have the same ready for distribution by the 16th day of the present month."

Upon which the yeas and nays were ordered;

Yeas 14; Nays 12.

Those who voted in the affirmative were,

Messrs. Berry,	Hackleman,	Swearingen,
Brierly,	Hepner,	Thornton,
Bunker,	McCulloch,	Walworth,
Culbertson,	Newell,	Wilson.
Goddard,	Robertson,	

Those who voted in the negative were,

Messrs. Andros,	Felkner,	Rogers,
Barton,	Jay,	Sales,
Blair,	Lewis,	Steele,
Briggs,	McMillan,	Speaker.

So the amendment was agreed to.



Mr. Wilson moved

That the same be read a third time to-morrow.

Mr. Lewis moved

To amend the motion so that the bill be read a third time on Friday next;

Which was lost.

The question then recurring upon the original motion; and,

Upon which the yeas and nays being ordered; were

Yeas 19; Nays 7.

Those who voted in the affirmative were,

Messrs. Berry,	Goddard,	Robertson,
Blair,	Hackleman,	Steele,
Brierly,	Hepner,	Swearingen,
Briggs,	Jay,	Thornton,
Bunker,	McCulloch,	Walworth,
Culbertson,	Newell,	Wilson.
Felkner,		

Those who voted in the negative were,

Messrs. Andros,	McMillan,	Sales,
Barton,	Rogers,	Speaker.
Lewis,		

So the motion was agreed to.

No. 39, C. file, An act concerning costs and fees;

Being returned from the Council with the amendments made by the House to the 20th section disagreed to.

Mr. McMillan moved

That the House insist upon the amendment of the House to the same;

Which was agreed to.

The House then concurred in the amendment of the Council to the amendments of the House to the last section of the same.

No. 63 C. file, An act entitled an act to amend an act for the incorporation of the town of Fort Madison;

Was read a first time.

No. 78, H. R. file, A joint resolution relative to seals for Delaware county, &c.

Being returned from the Council with amendments,

Was considered and amendments concurred in.

Mr. Walworth submitted his reasons for voting against the

Joint resolution authorizing Hughes & Williams to print the Laws of the present session;

And asked that the same be spread upon the Journal.

Objection being made thereto,

Mr. McMillan moved

That the same be spread upon the Journal; pending which,

Mr. Walworth asked and obtained leave to withdraw the same.



Mr. Newell offered the following:

Resolved, That the standing committee on roads and highways be instructed to report a bill for the purpose of locating a road from Iowa City to Council Bluffs, on the Missouri river;

Upon which the yeas and nays were ordered;

Yeas 8; Nays 18.

Those who voted in the affirmative were,

Messrs. Andros,

Felkner,

Goddard,

Lewis,

Newell,

Robertson,

Thornton,

Walworth.

Those who voted in the negative were,

Messrs. Barton,

Berry,

Blair,

Brierly,

Brigg

Bunker,

Culbertson,

Hackleman,

Hepner,

Jay,

McCulloch,

McMillan,

Rogers,

Sales,

Steele,

Swearingen,

Wilson,

Speaker.

So the resolution was lost.

On motion of Mr. Bunker,

The House adjourned.

#### SATURDAY MORNING, FEBRUARY 4, 1843.

The House met pursuant to adjournment.

Mr. Wilson gave notice that he would on some future day, ask leave to introduce a bill authorizing the owners of mill dams on Skunk river, to construct slopes in said dams.

Mr. Felkner presented the petition of sundry citizens of Iowa Territory, asking the location of a certain Territorial road; which,

On motion of Mr. Felkner,

Was referred to the delegation from Johnson, Muscatine, and Cedar, Linn and Jones.

Mr. Felkner gave notice that he would on some future day ask leave to introduce

A bill to locate a Territorial road from Iowa City to the Des Moines river;

Also,



A bill to donate a certain out lot in Iowa City, to the citizens of the same.

Mr. Walworth offered the following:

Resolved, That the committee on revision be instructed to report a joint resolution, providing for the apportionment of the laws and journals of the present session of this Legislature, to the several counties of this Territory, and provide for the distribution of the same.

Which was agreed to.

Mr. Hepner, from the select committee, to whom was referred No. 42, C. file, An act to provide for the election of Justices of the Peace, to proscribe their powers and duties, and to regulate their proceedings;

Reported the same back to the House with the following amendments, which were considered separately, to wit:

1st. Strike out in the 30th section, 3d line, from the word "or" to the word "resides" inclusive.

2d. Strike out the words "that at which" in the 13th and 14th lines of the 12th section.

3d. Strike out "Supreme" and insert "District" in the 15th section.

The question was then taken upon concurring in the 1st amendment of the committee;

Upon which the yeas and nays were ordered;

Yeas 12, Nays 13.

Those who voted in the affirmative were,

Messrs. Andros,  
Berry,  
Blair,  
Brierly,

Briggs,  
Hackleman,  
Hepner,  
McCulloch,

Newell,  
Swearingen,  
Thornton,  
Wilson.

Those who voted in the negative were,

Messrs. Barton,  
Bunker,  
Felkner,  
Goddard,  
Jay,

Lewis,  
McMillan,  
Robertson,  
Rogers,  
Sales,

Steele,  
Walworth,  
Speaker.

So the amendment of the committee was disagreed to.

The question was then taken upon the remaining amendments of the committee; and agreed to.

Mr. McMillan asked and obtained leave of absence for Mr. Culbertson, for one week.

Mr. Andros moved

To amend the 30th section, by inserting after the word "township" in the last line of the same, the words "or precinct;"

Which was agreed to; when,



On motion of Mr. Barton,  
The 42d rule was suspended and the same read a second and third time;

Passed and title agreed to.

Mr. Bunker, from the committee to whom was referred the petition of sundry citizens of Henry and Washington counties, in relation hereto, reported,

No. 93, H. R. file, A bill regulating ferries across English river;

Which was read a first time; and,

On motion of Mr. Bunker,

The 42d rule was suspended; and,

The same was read a second and third time, passed and title agreed to.

Mr. Walworth, on previous notice and leave granted, introduced,

No. 94, H. R. file, A bill to encourage the destruction of wolves;

Also,

No. 95, H. R. file, A bill to authorize Wm. Dillon and John Dillon to keep a ferry across the Cedar river, in Cedar county;

Which were severally read a first time.

Mr. Lewis, from the committee on enrolled bills, reported that they had examined,

An act granting further time to Henry Harding, to file the plat of a certain Territorial road in the office of the Secretary.

And find the same to be correctly enrolled.

Mr. Lewis, from the committee to whom was referred,

No. 41, H. R. file, An act to legalize the acts of Cyrus Gibson, a Justice of the Peace, in and for Van Buren county;

Reported a substitute therefor; which,

On motion of Mr. Rogers,

Was laid on the table.

Mr. Rogers, from the select committee to whom was referred the petitions presented; upon the subject of divorces, have had the same under consideration, and unanimously directed me to report the following bill,

No. 96, H. R. file, A bill to divorce certain persons therein named;

Which was read a first time.

Mr. Lewis moved to suspend the 42d rule;

So that the bill be read a second and third time now;

Which was put and lost.

Mr. Lewis then moved to suspend the 42d rule; and,

That the same be read a second time now;

Which was agreed to.

Mr. Jay moved



That the House resolve itself into committee of the whole, for the consideration of the same;

Which was put and lost.

Mr. Jay moved to strike out the 1st section of the bill.

Mr. Wilson moved to amend the amendment so that all after the enacting clause be stricken out;

Pending which,

Mr. Sales moved a call of the House, which was had, and absent members sent for.

Mr. Newell moved that the further call of the House be dispensed with;

Which was agreed to.

Mr. Walworth moved a call of the House; which was had.

Mr. Berry moved that the House adjourn; which was put and lost.

Mr. Newell asked leave of absence for Messrs. Hepner and Andros.

The chair decided the same to be out of order.

Mr. Newell appealed from the decision of the chair.

The chair decided the appeal to be out of order.

The Sergeant at Arms appeared and reported he could not find the absent members.

Mr. Barton moved to dispense with the further call of the House;  
Which was agreed to.

Mr. Walworth moved a call of the House;  
Pending which,

Mr. Goddard moved to adjourn;  
Which was lost.

The call of the House was had, and absent members sent for.

Mr. Sales moved to adjourn;  
Which was lost; when,

The Sergeant at Arms appeared and again reported, he could not find the absent members.

Mr. Felkner moved to dispense with the further call of the House;  
Which was agreed to.

Mr. Felkner asked leave of absence for Messrs. Hepner and Andros;  
Which was not granted.

Mr. Jay moved to adjourn;  
Which was lost.

The question then recurring upon the amendment to the original motion, which was to strike out all after the enacting clause;



Upon which the yeas and nays were ordered;  
Yeas 6, Nays 16.

Those who voted in the affirmative were,  
Messrs. Blair, Sales, Wilson,  
Robertson, Walworth, Speaker.

Those who voted in the negative were,  
Messrs. Barton, Hackleman, Newell,  
Berry, Jay, Rogers,  
Brierly, Lewis, Steele,  
Briggs, McMillan, Swearingen,  
Felkner, McCulloch, Thornton,  
Goddard,

So the motion to strike out was lost.

Mr. Wilson moved to indefinitely postpone the the consideration of the bill;

Upon which the yeas and nays were ordered;  
Yeas 8; Nays 14.

Those who voted in the affirmative were,  
Messrs. Berry, Robertson, Wilson,  
Blair, Sales, Speaker.  
McMillan, Walworth,

Those who voted in the negative were,  
Messrs. Barton, Hackleman, Rogers,  
Brierly, Jay, Steele,  
Briggs, Lewis, Swearingen,  
Felkner, McCulloch, Thornton,  
Goddard, Newell,

So the motion was lost.

Mr. Wilson then moved

To refer the same to a select committee consisting of one from each electoral district;

Which was put and lost.

The question then recurring upon the original motion, which was to strike out the 1st section of the bill;

Upon which the yeas and nays were ordered;  
Yeas 7, Nays 15.

Those who voted in the affirmative were,  
Messrs. Berry, McMillan, Walworth,  
Blair, Robertson, Wilson,  
Jay,

Those who voted in the negative were,  
Messrs. Barton, Hackleman, Sales,



Brierly,  
Briggs,  
Felkner,  
Goddard,

Lewis,  
McCulloch,  
Newell,  
Rogers,

Steele,  
Swearingen,  
Thornton,  
Speaker.

So the motion was lost.

Mr. Wilson moved to lay the bill on the table until the 1st of August next;

Upon which the yeas and nays were ordered;  
Yeas 8, Nays 14.

Those who voted in the affirmative were,  
Messrs. Blair,  
Jay,  
McMillan,

Robertson,  
Sales,  
Walworth,

Wilson,  
Speaker.

Those who voted in the negative were,  
Messrs. Barton,  
Berry,  
Brierly,  
Briggs,  
Felkner,

Goddard,  
Hackleman,  
Lewis,  
McCulloch,  
Newell,

Rogers,  
Steele,  
Swearingen,  
Thornton.

So the motion was lost.

Mr. Newell moved to suspend the 42d rule; and,  
That the bill be read a second and third time now;  
Upon which the yeas and nays were ordered;  
Yeas 13; Nays 9.

Those who voted in the affirmative were,  
Messrs. Barton,  
Brierly,  
Briggs,  
Felkner,  
Goddard,

Hackleman,  
Lewis,  
McCulloch,  
Newell,

Rogers,  
Steele,  
Swearingen,  
Thornton.

Those who voted in the negative were,  
Messrs. Berry,  
Blair,  
Jay,

McMillan,  
Robertson,  
Sales,

Walworth,  
Wilson,  
Speaker.

So the motion to suspend was lost.

Mr. Hackleman moved that the bill be engrossed and read a third time on Monday;

Upon which the yeas and nays were ordered;  
Yeas 13, Nays 9.

Those who voted in the affirmative were,  
Messrs. Barton,  
Brierly,  
Briggs,

Felkner,  
Goddard,  
Hackleman,

Lewis,  
McCulloch,  
Newell,



Rogers,  
Steele,

Swearingen,

Thornton.

Those who voted in the negative were,  
Messrs. Berry,  
Blair,  
Jay,

McMillan,  
Robertson,  
Sales,

Walworth,  
Wilson,  
Speaker.

So the motion was agreed to; when,  
On motion of Mr. Lewis,  
The House adjourned.

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TWO O'CLOCK, P. M.

Mr. Newell, from the select committee, to whom was referred,  
No. 76, H. R. file, A bill to incorporate the Muscatine Lyceum;  
Reported the same back to the House without amendment, and recommended its passage.

Mr. Bunker, from the select committee, to whom was referred the  
petition of sundry citizens of Washington and Henry counties, reported  
No. 97, H. R. file, An act to locate a Territorial road in Henry and  
Washington counties, &c.;

Which was read a first time.

No. 89, H. R. file, A joint resolution relative to the printing of the  
reports of the Supreme Court;

Was read a second time; and,

On motion of Mr. Robertson,

The same was ordered to be engrossed and read a third time on  
Monday.

No. 90, H. R. file, A bill for the relief of petit jurors, in certain cases;

Was read a second time; and,

On motion of Mr. McCulloch,

The "county of Lee" was inserted in the provisions of the same;

When,

On motion of Mr. Hackleman,

The same was ordered to be engrossed and read a third time on  
Monday.

No. 91, H. R. file, An act to amend an act incorporating the town  
of Salem, in Henry county;

Was read a second time; and,

On motion of Mr. Walworth,

The 42d rule was suspended; and,



The same read a third time, passed and title agreed to.

No. 92, H. R. file, A bill to authorize the County Commissioners of Scott and Lee counties, to grant licenses to Pilots, &c.;

Was read a second time; and,

On motion of Mr. Brierly,

The same was ordered to be engrossed and read a third time on Monday.

No. 63, C. file, An act to amend an act for the incorporation of the town of Ft. Madison;

Was read a second time; and,

On motion of M. McCulloch,

Ordered to be read a third time on Monday.

No. 59, C. file, A joint resolution authorizing pay to John B. Russell, for printing the Journal of the Council, for 1841 and '42;

Was read a third time, passed and title agreed to.

No. 68, H. R. file, A bill to incorporate the Farmers' Half Breed Land Company in the county of Lee;

Was read a third time, passed and title agreed to.

No. 72, H. R. file, A bill to relocate the county seat of Clayton county;

Was read a third time, passed and title agreed to.

No. 22, C. file, A bill subjecting real and personal estate to execution;

Was read a third time.

Mr. Jay moved to amend the last section of the same, by adding the following:

"Provided, That the provisions of this act expire, after twelve months from the passage of the same, unless revived by future legislative action;"

Which was put and lost.

The question then recurred upon the passage of the bill;

Pending which,

On motion of Mr. Bunker,

A call of the House was had; when,

On motion of Mr. Newell,

The further call of the House was dispensed with.

Mr. Jay moved to recommit the bill to a select committee;

Which was lost.

The question was then put upon the passage of the bill;

Upon which the yeas and nays were ordered;

Yeas 16; Nays 6.

Those who voted in the affirmative were,

Messrs. Berry,

Brierly,

Briggs,

Bunker,

Felkner,

Goddard,



Messrs. Hackleman,  
McCulloch,  
Newell,  
Robertson,

Rogers,  
Steele,  
Swearingen,

Thornton,  
Walworth,  
Wilson.

Those who voted in the negative were,  
Messrs. Barton,  
Jay,

Lewis,  
McMillan,

Sales,  
Speaker.

So the bill passed and title was agreed to.

No. 52, H. R. file, A bill to prevent damage by the firing of prairies;

With amendments by the committee, to whom the same was referred, was considered and amendments concurred in; when,

On motion of Mr. Rogers,

The 42nd rule was suspended; and,

The same was read a second and third time, passed and title agreed to.

Mr. McCulloch moved to take from the table,

No. 52, C. file, An act to vacate certain streets in the town of Denmark, Lee county;

Which was agreed to; and,

The bill read a second time; when,

On motion of Mr. McCulloch,

The 42d rule was suspended; and,

The bill read a third time, passed and title agreed to.

Mr. Brierly moved to take up

No. 36, H. R. file, A bill to authorize Isaac R. Campbell and Company to construct a dam across the Des Moines river;

Which was agreed to.

Mr. Brierly moved to amend the 1st section of said bill by adding the following:

"Provided the said Isaac R. Campbell & Company, shall, before they proceed to construct said dam, erect a good and sufficient lock for the purpose of letting boats of all kinds through said dam safe without delay; also, in the same section, last line but one, strike out the words "and lock;"

Which amendments were agreed to; when,

On motion of Mr. McCulloch,

The 42d rule was suspended; and,

The bill read a third time, passed and title agreed to.

On motion of Mr. Jay,

No. 83, H. R. file, A bill authorizing the election of an additional justice and constable in centre township, Henry county;

Was taken from the table, and read a second time.

On motion of Mr. Jay,

The 42d rule was suspended; and,



The bill read a third time, passed and title agreed.

Mr. Felkner introduced,

No. 98, H. R. file, Joint resolution authorizing the Territorial Treasurer to disburse the money accruing to the Territory under the act of Congress, 4th of September, 1841;

Which was read a first time.

Mr. Walworth submitted the following as embracing his reasons for voting against the Joint resolution authorizing Hughes and Williams to print the laws of the present session.

Because I deem the charge of bribery upon members of this Legislature, made in the columns of the Iowa Capitol Reporter, of January 21st, edited by Hughes & Williams, as a breach of the privilege of this House, and as it appears by an investigation had for the purpose of enquiring into the truth of such charge, by the testimony of the editors themselves, as well as that of the members of both branches of this Legislature, that they had no reason for making such charge;

And whereas, it is believed by me that the charge was made with the view in part of exerting an undue influence upon members of this body, in their legislative action;

And whereas, I view all attempts to corrupt free and unrestrained legislation, as dangerous to a Republican Government, and the best interests of a free people.

I therefore, I deem the editors of said paper, as unworthy of the patronage of this Legislature. To extend patronage to a press under such circumstances, would in my opinion, be regarded as an implied license to them and to other presses, to practice like offences. For these reasons, I have recorded my vote against said resolution, and ask that they be spread upon the Journal of the House.

On motion of Mr. McMillan,

The House adjourned.

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MONDAY MORNING, FEBRUARY 6, 1843.

The House met pursuant to adjournment.

The following message was received from the Council by Mr. Fales, their Secretary:

Mr. Speaker—The Council have disagreed to the amendments made by the House to the 4th, 18th and last sections of



No. 22, C. file, An act subjecting real and personal estate to execution.

And have concurred in all the other amendments.

The Council adhere to their disagreement to the amendment of the House to the 20th section of

No. 39, C. file, An act concerning costs and fees;

The Council have passed with amendments

No. 25, H. R. file, An act organizing a board of County Commissioners in each county in the Territory of Iowa.

No. 46, H. R. file, An act for the prevention of certain immoral practices.

The Council have also passed

No. 40, C. file, An act regulating ferries.

No. 58, C. file, An act to authorize Ezra F. Denson and Newton P. Denson to keep a ferry.

In which, the concurrence of the House is requested.

I herewith present for your signature

An act to relocate the Territorial road leading from Burlington, in Des Moines county, via. Fort Madison in Lee county, to the bridge on Sugar creek in said county;

An act to regulate weights and measures.

An act to authorize the Judge of probate of Van Buren county, to employ a suitable person to transcribe the probate records of said county.

I also return

A joint resolution fixing the compensation to Wilson and Keesecker for printing the Journal of the House of Representatives for 1841 and '42.

An act to incorporate the Iowa Medical Society.

An act for the relief of Laurel Summers;

All of which have been signed by the President of the Council.

Mr. Swearingen presented the petition of sundry citizens of Van Buren county, asking the alteration of a certain Territorial road; which,

On motion of Mr. Swearingen,

Was referred to the delegation from Van Buren county.

Mr. Bunker presented the petition of Edward Earl asking to be divorced from his wife Ruth Ann Earl; which,

On motion of Mr. Rogers,

Was laid on the table.

Mr. Briggs on leave granted introduced

No. 99, H. R. file, A joint resolution authorizing the Secretary of the Territory to pay to certain publishers of newspapers, a certain sum for services therein named;



Which was read a first time.

Mr. Barton, from the committee on engrossed bills, have examined

No. 92 H. R. file, A bill to authorize the county commissioners of Scott and Lee counties to grant licences to pilots, &c.

No. 96, H. R. file, A bill to divorce certain persons therein named;

No. 90 H. R. file, A bill for the relief of petit jurors in certain cases;

And,

No. 89, H. R. Joint resolution relative to the printing of the decisions of the Supreme Court;

And find the same to be correctly engrossed.

Mr. Rogers, from the committee on the Judiciary, to whom was referred,

No. 16, C. file, An act regulating interest on money;

Reports the same back to the House with sundry amendments, and begs leave to submit the following:

The committee are of the opinion, from the partial examination they have given the subject, that all laws regulating the percentage on money, with the exception of fixing a uniform rate where none is stated by the contract, are inexpedient—injurious alike to the borrower and the lender. Such they believe would be the general sentiment of mankind, if this question could be considered free from religious prejudices and the influence of long established custom.

Money, like every other exchangeable commodity, is subject to frequent fluctuation in value, being no more uniform in price, than cotton, tobacco, and other great staples of the country. Its worth depends on the state of the market, and is regulated by the great law of demand and supply. There is no more reason for arbitrarily establishing the rate for the use of money, than for the use of houses, lands, merchandise, and other property.

It has been deemed sound policy, and essential to individual prosperity, to allow every person to hire his farm, house, or chattels, upon such terms as he could obtain. Why deny the same privilege in the disposal of money? Individuals are presumed to understand their own business better than Legislatures. It will be soon enough for these grave bodies to interfere with private rights, and assume the control of the personal matters of others, when the people shall have proven themselves incompetent to manage their own affairs.

Usury laws are rarely enforced and easily evaded. Their penalties do little more than furnish arguments for the lender to charge for the hazard he runs, which the borrower has to pay. When the market value of money is higher than the legal rate, they prevent competition, the great reducer of price. Upright men, who would not violate the law, but are unwilling to loan their money for less than its real worth,



cease to be lenders, leaving the needy borrower at the mercy of grinding brokers and swindlers, who monopolize the market.

Usury laws have a highly prejudicial influence upon the morals of the community. They hold out temptations for the wanton disregard of solemn engagements. The borrower who first suggested the offence, without whose agency it could not have been perpetrated, not only escapes "unwhipped of justice," but is paid for his infamy, and all the sympathetic feelings of our nature are invoked in behalf of the unfortunate victim of his own voluntary promises.

The conclusions of the committee are adverse to any restrictions upon the loaning of money, but fearing that public sentiment may not be ripe for so sudden a change in our laws, have so amended the bill as to allow parties to contract for as high a rate of interest as twenty per cent. per annum, and the borrower to recover the excess beyond that amount.

In a new country of vast undeveloped resources, it is the dictate of wisdom to offer inducements for men of wealth to send their money among us; and a less rate of interest than that recommended, in the opinion of the committee, would not have the desired effect of diverting the capital of the east to the far west.

Mr. Briggs, from the select committee to whom was referred

The petition of the Board of County Commissioners of Jackson county, asking that a law might be passed authorizing said Board to levy an additional tax;

Have had the same under consideration, and come to the conclusion that it would be inexpedient to pass such a law at this session, for the following reasons:

1st. That it is a matter which the whole people of the county are immediately interested, and the committee are of opinion that there should be an expression directly from them, before the Legislature should act upon a subject of so much importance to its citizens.

2d. That there has been a law passed by this Legislature relative to a new valuation of taxable property, which in the opinion of the committee, will increase the revenue of the county one fourth, if not one half; which, will not only defray the annual expenses, but will pay a part of the old debt every year, and will eventually redeem the whole of its liabilities, and that too, as fast as the people are able to meet them.

3d. That the law passed by the present Legislature, relative to a new valuation, will go into operation the present year, and will enable the Commissioners to ascertain whether it will increase the revenue so as to meet the wants of the county, and if it is found that it will not



be sufficient, then the people can have an opportunity of making their wishes known to the next Legislature, in a matter in which they are so directly concerned, and perhaps by that time there may be a change in the times, which would enable them better to meet a heavy tax.

Your committee therefore, ask to be discharged from the further consideration of the subject.

Mr. Hackleman moved

To take from the table,

No. 96, H. R. file, A bill granting divorces to certain persons, therein named;

And that the same be read third time now;

Which was agreed to.

Mr. Wilson moved

To refer the same to a select committee;

Which was lost.

Mr. McMillan moved

To amend the — section by inserting after the word "Joseph" in the — line the word "Newell;"

Which was agreed to.

Mr. Bunker moved

To further amend the bill by adding the following additional section:

Sec. —. That the bonds of matrimony existing between Edward Earl and Ruth Ann Earl of Washington county, be and the same are hereby dissolved;

Which was agreed to.

The question then recurring upon the passage of the bill; and,

Upon which the yeas and nays were ordered;

Yeas 13, Nays 10.

Those who voted in the affirmative were,

Messrs. Barton,	Hackleman,	Rogers,
Brierly,	Lewis,	Steele,
Briggs,	McCulloch,	Swearingen,
Felkner,	Newell,	Thornton.
Goddard,		

Those who voted in the negative were,

Messrs. Berry,	McMillan,	Walworth,
Blair,	Robertson,	Wilson,
Bunker,	Sales,	Speaker.
Jay,		

So the bill passed and the title was agreed to.

No. 94, H. R. file, A bill to encourage the destruction of wolves;

Was read a second time.

Mr. Goddard moved

To amend the first section by striking out the word "fifty" in the



5th line, and inserting "twenty-five;" also, strike out "one dollar" in the 10th line, and insert "fifty cents;"

Which was agreed to.

Mr. Hackleman moved

To amend the same by making it discretionary with the county commissioners;

Which was lost.

Mr. Walworth moved

That the same be engrossed and read a third time to-morrow.

Upon which the yeas and nays were ordered;

Yeas 14, Nays 11.

Those who voted in the affirmative were,

Messrs. Andros,	Jay,	Steele,
Berry,	McCulloch,	Thornton,
Briggs,	McMillan,	Walworth,
Bunker,	Rogers,	Wilson.
Felkner,	Robertson,	

Those who voted in the negative were,

Messrs. Barton,	Hackleman,	Sales,
Blair,	Hepner,	Swearingen,
Brierly,	Lewis,	Speaker.
Goddard,	Newell,	

So the motion to engross was agreed to.

The following message was received from the Council, by their Secretary, Mr. Fales:

Mr. Speaker—The Council have appointed Messrs. Leffler, Teas and Christie a committee of conference relative to the disagreeing votes between the two Houses, on

No. 22, C. file, An act subjecting real and personal estate to execution;

And,

No. 39 C. file, An act concerning costs and fees.

Mr. Newell moved

That there be a committee of conference appointed on the part of the House to confer with the same;

Which was agreed to.

The Chair appointed Messrs. Newell, Hepner, and Felkner, said committee.

No. 95, H. R. file, A bill to authorize Wm. Dillon and John Dillon to keep a ferry across the Cedar river, in Cedar county;

Was read a second time.

Mr. Felkner moved

That the House resolve itself into the committee of the whole, for the consideration of the same now;



Which was lost.

Mr. Rogers moved

To amend by inserting the following additional section:

Sec. 3. That any future Legislature shall have power to alter, amend, or repeal this act."

Which was agreed to; when,

On motion of Mr. Walworth,

The same was ordered to lie on the table.

No. 89, H. R. file, A joint resolution relative to the printing of the reports of the Supreme Court;

Was read a third time; and,

On motion of Mr. Walworth,

Referred to a select committee.

The Chair appointed Messrs. Walworth, McMillan and Rogers, said committee.

No. 97, H. R. file, An act to locate a Territorial road in Henry and Washington counties, &c.;

Was read a second time; and,

On motion of Mr. Bunker,

The same was laid on the table.

No. 98 H. R. file, Joint resolution authorizing the Territorial Treasurer to disburse the money accruing under the act of Congress of 4th September, 1841;

Was read a second time; and,

On motion of Mr. Rogers,

Laid on the table.

Mr. Newell offered the following,

Resolved, That the Secretary of the Territory be and is hereby authorized to allow and pay to the Hon. James M. Morgan six dollars per day for his services as Speaker of the House of Representative of the present Legislative Assembly;

Which was adopted.

No. 90, H. R. file, A bill for the relief of petit jurors, in certain cases;

Was read a third time and passed and title agreed to.

No. 92, H. R. file, A bill to authorize the County Commissioners of Scott and Lee counties, to grant licenses to Pilots, &c.;

Was read a third time; and,

On motion of Mr. Lewis,

The same was referred to a select committee.

The Chair appointed Messrs. Lewis, Brierly and Rogers, said committee.

On motion of Mr. Sales,

The House adjourned.



## TWO O'CLOCK, P. M.

No. 25, H. R. file, An act organizing a Board of County Commissioners in each county in the Territory of Iowa;

With amendments, was reported from the Council; and the amendments considered separately and agreed to; when,

On motion of Mr. McMillan,

The vote had upon the second amendment, was reconsidered, and the same disagreed to.

No. 46, H. R. file, A bill for the prevention of certain immoral practices;

Being reported from the Council with amendments, was considered and amendments concurred in.

No. 40 C. file, An act regulating ferries;

And,

No. 58, C. file, An act to authorize Ezra F. Denson and Newton P. Denson, to keep a ferry across the Mississippi river;

Were severally read a first time.

Mr. Walworth, from the committee to whom was referred

No. 26, C. file, An act to amend an act to incorporate the Washington Manufacturing Company;

Reported the same back to the House with two additional sections;

Which was agreed to; when,

On motion of Mr. Walworth,

The same was ordered to be read a third time to-morrow.

Mr. Hackelman presented the petition of sundry citizens of Des Moines county, asking the relocation of a part of a Territorial road;

Also,

The remonstrance of sundry citizens of Des Moines county, remonstrating against the same; which,

On motion of Mr. Hackleman,

Were referred to the committee on roads and highways.

Mr. Walworth presented the petition of sundry citizens of Cedar county, asking that a law be passed to prevent the destruction of game, during certain periods of the year; which,

On motion of Mr. Rogers,

Was referred to the committee on corporations.

Mr. Rogers moved to take from the table,

No. 15, C. file, An act defining the duties of County Surveyors;

Which was agreed to; when,

On motion of Mr. Rogers,

The 42d rule was suspended; and,



The same read a third time, passed and title agreed to.

No. 55, C. file, Joint resolution for the relief of George Andrwes;  
And the report of the committee to whom the same was referred,  
Was taken from the table; and,

On motion of Mr. Rogers,

The consideration of the same was indefinitely postponed.

The report of the committee on the judiciary, to whom was referred,  
No. 16, C. file, An act regulating interest on money;

Was taken up, and on the question,

Will the House agree to the first amendment, viz.?

Strike out the word "ten" in the third line of the second section, and  
insert "twenty."

The yeas and nays were ordered;

Yeas 13; Nays 10.

Those who voted in the affirmative were,

Messrs. Andros,

Barton,

Brierly,

Felkner,

Hackleman,

Hepner,

Jay,

McCulloch,

McMillan,

Rogers,

Sales,

Walworth,

Speaker.

Those who voted in the negative were,

Messrs. Berry,

Blair,

Goddard,

Lewis,

Newell,

Robertson,

Steele,

Swearingen,

Thornton,

Wilson.

So the amendment was agreed to.

All the other amendments to said bill were then read and concurred  
in, viz:

Add to the third section, "at the rate of six per cent per annum."

Strike out the fourth section.

Strike out the 7th and 8th sections.

Mr. Felkner, with leave, introduced,

No. 100, H. R. file, An act donating out-lot No. 10, in Iowa City,  
to the citizens thereof;

Which was read a first time.

Mr. Walworth, from the committee on engrossed bills, reported that  
they had examined,

No. 65, H. R. file, A bill to define the duties of Territorial Agent  
and for other purposes;

And find the same to be correctly engrossed.

No. 65, H. R. file, A bill to define the duties of Territorial Agent;

Was read a third time, passed and title agreed to.

Mr. Lewis, from the committee on enrolled bills, reported that



they had presented to the Governor for for his approval, on this day,

An act for the relief of Laurel Summers.

Joint resolution fixing the compensation to Wilson & Keesecker for printing the Journals of the H. R. for 1841 and '42.

An act to incorporate the Iowa Medical Society.

On motion of Mr. Berry,

The House adjourned.

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TUESDAY MORNING, FEBRUARY 7, 1843.

The House met pursuant to adjournment.

Mr. Walworth presented the petition of sundry citizens of Linn county, remonstrating against the relocation of the Territorial road leading from Davenport to Marion; which,

On motion of Mr. Walworth,

Was referred to the delegation from Cedar, Linn and Jones.

Mr. Jay presented the petition of sundry citizens of Henry county, asking that a law be passed making personal property bring two thirds of its appraised value, when sold under execution; which,

On motion of Mr. Jay,

Was ordered to lie on the table.

Mr. Hepner presented the petition of sundry citizens, asking the repeal of a certain act relating to marriage licences.

Mr. Hepner moved

To refer the same to a select committee, with instructions to report a bill in conformity to the prayer of the petitioners, or to so amend the law that it will have a uniform operation.

Mr. Barton moved

To amend the motion so that the committee be instructed to report a bill or so amend the law as to dispense with the necessity of a license; pending which,

Mr. Newell moved

To lay the whole subject on the table;

Upon which the yeas and nays were ordered;

Yeas 11; Nays 13.

Those who voted in the affirmative were,



Messrs. Andros,  
Berry,  
Blair,  
Briggs,

Felkner,  
Jay,  
Newell,  
Robertson,

Steele,  
Thornton,  
Wilson.

Those who voted in the negative were,

Messrs. Barton,  
Brierly,  
Goddard,  
Hackleman,  
Hepner,

Lewis,  
McCulloch,  
McMillan,  
Rogers,  
Sales,

Swearingen,  
Walworth,  
Speaker.

So the motion was lost.

The question was then taken upon the amendment to the original motion;

And agreed to.

The question then recurring upon the original motion; and,  
Upon which the yeas and nays were ordered;

Yeas 13; Nays 11.

Those who voted in the affirmative were,

Messrs. Barton,  
Blair,  
Brierly,  
Goddard,  
Hackleman,

Hepner,  
Lewis,  
McCulloch,  
McMillan,  
Rogers,

Sales,  
Swearingen,  
Speaker.

Those who voted in the negative were,

Messrs. Andros,  
Berry,  
Briggs,  
Felkner,

Jay,  
Robertson,  
Steele,

Thornton,  
Walworth,  
Wilson.

So the petition was so referred.

The Chair appointed Messrs. Hepner, Barton and Robertson, said committee.

The following message was then received from the Council, by their Secretary, Mr. Fales:

Mr. Speaker—The Council insist on their amendment to the 11th section of

No. 25, H. R. file, An act organizing a Board of County Commissioners in each county;

And have passed

No. 83, H. R. file, An act authorizing the election of an additional justice of the peace and constable in Centre township, Henry county.

Mr. Wilson asked and obtained leave of absence for Mr. Bunker.

Mr. Andros gave notice that he would on some future day, ask leave to introduce a joint resolution authorizing the Secretary of the Territo-



ry to pay Wilson and Keesecker, the further sum of one hundred dollars, for printing the Journal of the House of Representatives of the last session.

Mr. Sales, gave notice that he would on some future day, ask leave to introduce a bill for the relief of the securities of public officers in certain cases.

Mr. Andros from the committee to whom was referred the petition of sundry citizens of Dubuque, in relation hereto, reported

No. 101, H. R. file, A bill to authorize Thomas McCrany and Jas. Churchman to keep a ferry across the Mississippi river at Dubuque;

Which was read a first time.

Mr. Wilson, on previous notice and leave granted, introduced

No. 102, H. R. file, A bill authorizing the construction of slopes in mill dams in Skunk river;

Which was read a first time.

Mr. Walworth from the committee to whom was referred

No. 89, H. R. file, A joint resolution relative to the printing of the reports of the Supreme Court;

Reported the same back to the House with an amendment.

Mr. Berry, from the committee to whom was referred the petition of sundry citizens of Linn county, in relation hereto, reported

No. 103, H. R. file, A bill to relocate a part of the Territorial road from Davenport to Marion;

Which was read a first time.

Mr. Swearingen, from the committee to whom was referred the petition of sundry citizens of Van Buren county, in relation hereto, reported

No. 104, H. R. file, A bill to relocate a part of the Territorial road leading from Ft. Madison to Iowaville;

Which was read a first time.

Mr. Lewis from the committee on enrolled bills, have examined

An act to abolish imprisonment for debt.

An act granting further time to Henry Harden to file a plat of a certain Territorial road in the office of the Secretary.

And,

A memorial to Congress for an appropriation for a canal at each of the rapids of the Mississippi;

And find the same to be correctly enrolled.

Mr. Lewis, from the committee to whom was referred the petition of sundry citizens of Van Buren county, in relation hereto, reported

No. 105, H. R. file, A bill to establish a Territorial road from Birmingham, in Van Buren county, to the Indian Agency;

Which was read a first time.



Mr. McCulloch, from the committee on roads and Highways, to whom was referred the petition of sundry citizens in relation hereto, reported

No. 106, H. R. file, A bill to locate a certain Territorial road from Cascade, in Dubuque county, to O. A. Olmstead's mills, in Delaware county;

Which was read a first time.

Mr. Rogers moved

To suspend the 42d rule, so that the bill be read a 2d and 3d time now; which was lost.

Mr. Felkner, on previous notice and leave granted, introduced

No. 107, H. R. file, A bill to locate a Territorial road from Iowa City to the Des Moines river;

Which was read a first time.

Mr. Robertson, on previous notice and leave granted, introduced

No. 108, H. R. file, A bill for the organization of County Medical Societies, and to regulate the practice of physic and surgery;

Which was read a first time.

Mr. Newell, from the committee of conference, appointed on the part of the House, to act in conjunction with a similar committee on the part of the Council, in relation to a disagreeing vote of the two Houses, on No. 22, C. file, An act subjecting real and personal estate to execution; Reported that the committee have agreed that the House recede from their amendments to the 4th and 18th sections, and that the act shall take effect from and after the 20th day of February, 1843.

They have also agreed to adopt a substitute for the 20th section of No. 39, C. file, An act concerning costs and fees; Which they herewith submit.

Mr. Rogers, from the committee on the Judiciary, to whom was referred,

No. 14, C. file, An act to provide for changing the venue in civil and criminal cases;

Reported the same back to the House with one amendment.

Mr. Andros presented the claim of George S. Hampton.

On motion of Mr. Andros,

The same was referred to the committee on claims.

No. 99, H. R. file, Joint resolution authorizing the Secretary of the Territory to pay certain publishers of newspapers a certain sum for services therein named;

Was read a second time; and,

On motion of Mr. McMillan,

The same was referred to the committee on expenditures.



No. 100, H. R. file, An act donating out lot No. 10, in Iowa City, to the citizens thereof;

Was read a second time; and,

On motion of McMillan,

The same was referred to the committee on Territorial Affairs.

No. 40, C. file, An act regulating ferries,

Was read a second time; when,

On motion of Mr. Barton,

The House resolved itself into the committee of the whole, for the consideration of the same, Mr. Newell in the Chair; and,

After some time spent therein, the committee rose, and, by their chairman, reported the same back to the House with amendments;

Which were concurred in; when,

On motion of Mr. Rogers,

The 42d rule was suspended; and,

The same was read a second and third time, passed and title agreed to.

On motion of Mr. Wilson,

The House adjourned.

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#### TWO O'CLOCK, P. M.

No. 58, C. file, An act to authorize Ezra F. Denson and Newton P. Denson to keep a ferry;

Was read a second time; and,

On motion of Mr. Newell,

The same was ordered to lie on the table.

The following message was received from the Council, by Mr. Fales, their Secretary:

Mr. Speaker—The Council have passed,

No. 71, C. file, A bill amendatory of an act authorizing Robert M. G. Patterson to keep a ferry.

No. 74, H. R. file, An act to amend an act entitled an act to incorporate the City of Keosauqua.

No. 85, H. R. file, An act to locate a Territorial road from the northern limits of Missouri to Keosauqua, in Van Buren county.

No. 87, H. R. file, An act to incorporate the Jackson County Academy.

No. 91, H. R. file, An act to amend an act incorporating the town of Salem, in Henry county.

No. 93, H. R. file, An act regulating ferries across English river.



Also with amendments,  
No. 86, H. R. file, An act to provide for holding elections at Saint Peters and other places.

I herewith present for your signature

An act to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings.

A joint resolution authorizing pay to John B. Russell, for printing the Journal of the Council, for 1841 and '42.

An act to vacate certain streets in the town of Denmark, Lee county.

An act to amend an act for the incorporation of the town of Mount Pleasant.

An act to amend an act for the incorporation of the town of Fort Madison.

I herewith return

An act to abolish imprisonment for debt.

An act granting further time to Henry Harden, to file the plat of a Territorial road in the Secretary's office.

The same having been signed by the President of the Council.

No. 26, C. file, A bill to amend an act to incorporate the Washington Manufacturing company;

Was read a third time.

Mr. Lewis moved a call of the House, which was had, and absent members sent for, who appearing in their seats;

On motion of Mr. Andros,

The further call of the House was dispensed with.

The question was then taken upon the passage of the bill; and,  
Upon which the yeas and nays were ordered;

Yeas 14, Nays 10.

Those who voted in the affirmative were,

Messrs. Barton,	Lewis,	Swearingen,
Berry,	McCulloch,	Thornton,
Brierly,	Newell,	Walworth,
Goddard,	Robertson,	Wilson.
Jay,	Steele,	

Those who voted in the negative were,

Messrs. Andros,	Hepner,	Rogers,
Blair,	Hackleman,	Sales,
Briggs,	McMillan,	Speaker.
Felkner,		

So the bill passed and the title was agreed to.

No. 94, H. R. file, An act to encourage the destruction of wolves;

Was read a third time; and,

On motion of Mr. Walworth,

The same was referred to a select committee of three.



The Chair appointed Messrs. Walworth, McMillan and Hepner, said committee.

The report of the committee of conference, in relation to the disagreeing vote upon

No. 22, C. file, An act subjecting real and personal estate to execution.

Also,

No. 39 C. file, An act concerning costs and fees;  
Was considered and amendments to the first agreed to.

And upon the question,

Will the House agree to the amendments of the second?

The yeas and nays were ordered;

Yeas 19, Nays 4.

Those who voted in the affirmative were,

Messrs. Andros,	Hackleman,	Robertson,
Berry,	Hepner,	Sales,
Blair,	Jay,	Steele,
Brierly,	McCulloch,	Thornton,
Briggs,	McMillan,	Wilson,
Felkner,	Newell,	Speaker.
Goddard,		

Those who voted in the negative were,

Messrs. Barton,	Rogers,	Swearingen.
Lewis,		

So the amendment to the same was agreed to.

No. 56, C. file, An act to establish new counties and define their boundaries in the late cession from the Sac and Fox Indians, and for other purposes;

Being the order of the day,

On motion of Mr. Rogers,

The consideration of the same was postponed.

The report of the committee on the Judiciary, to whom was referred,

No. 14, C. file, An act to provide for changing the venue in civil and criminal cases;

Was considered and concurred in; when,

On motion of Mr. Rogers,

The 42nd rule was suspended; and,

The same was read a third time, passed and title agreed to.

No. 89, H. R. file, Joint resolution relative to the printing of the decisions of the Supreme Court;

And amendments by the committee, to whom the same was referred, was considered and amendments concurred in; when,

On motion of Mr. Rogers,



The 42d rule was suspended; and,  
The same read a third time, passed and title agreed to.

No. 51, C. file, An act regulating practice in the District Courts;  
Was taken from the table.

Mr. Hepner moved to refer the same to the committee on the Judiciary;

Which was lost; when,  
On motion of Mr. McMillan,  
The same was ordered to be read a third time to-morrow.

On motion of Mr. McMillan,  
No. 18, C. file, An act for the limitation of actions and for avoiding vexatious law suits;

Was taken from the table,  
And considered in committee of the whole, Mr. Brierly, in the chair; and,

After some time spent therein, the committee rose, and by their chairman, reported the same back to the House without amendment.

Which was concurred in.

Mr. Robertson moved to amend the same, by adding the following:

SEC. 10. That an act for the limitation of actions and for avoiding vexatious law suits, approved, January 25th, 1839, be and the same is hereby repealed."

Which was agreed to; when,  
On motion of Mr. McMillan,  
The same was ordered to be read a third time to-morrow.

Mr. McMillan moved to take from the table,  
No. 25, C. file, An act relative to the time of taking effect of the laws of the present session;

Which was agreed to; when,  
On motion of Mr. McMillan,  
The same was ordered to be read a third time to-morrow.

No. 71 C. file, A bill amendatory to an act authorizing R. M. G. Patterson to keep a ferry, &c.;  
Was read a first time.

No. 86, H. R. file, A bill to provide for holding elections at St. Peters, and other places;

With amendments, being returned from the Council, was considered and amendments concurred in.

No. 25, H. R. file, An act organizing a board of County Commissioners in each county in the Territory of Iowa;

With amendment, being returned from the Council, the Council insisting upon their amendment to the same.



Mr. McMillan moved that the House insist upon their disagreeing vote to the same;

Which was agreed to.

Mr. McMillan moved that a committee be appointed to confer with a similar committee, on the part of the Council, in relation to the same.

Which was agreed to.

The Chair appointed Messrs. McMillan, Rogers and Lewis, said committee.

On motion of Mr. Hackleman,  
The House adjourned.

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WEDNESDAY MORNING, FEBRUARY 8, 1843.

The House met pursuant to adjournment.

Mr. Barton on leave granted introduced

No. 109, H. R. file, Joint resolution allowing further compensation to B. F. Wallace;

Which was read a first time; when,

On motion of Mr. Rogers,

The 42d rule was suspended and the same read a second and third time and passed.

Mr. Andros on leave granted, introduced

No. 110, H. R. file, Joint resolution allowing Wilson and Keesecker additional compensation for printing the Journal of the House of Representatives of last session;

Which was read a first time.

Mr. Newell on leave granted, introduced

No. 111, H. R. file, Joint resolution employing E. H. Thomas to superintend the printing of the Laws of the present session;

Which was read a first time.

Mr. Hepner, from the select committee, to whom was referred the petition of sundry citizens in relation hereto, reported

No. 112, H. R. file, A bill regulating marriages;

Which was read a first time; and,

On motion of Mr. McCulloch,



Fifty copies of the same was ordered to be printed.

Mr. Walworth, from the select committee to whom was referred No. 94, H. R. file, An act to encourage the destruction of wolves; Reported the same back to the House with amendment; when,  
On motion of Mr. McMillan,  
The 42d rule was suspended and the same read a second and third time, passed and title agreed to.

Mr. Andros, from the committee on claims, introduced No. 113, H. R. file, Joint resolution fixing the compensation of G. S. Hampton, for services rendered this House, &c.;  
Which was read a first time.

Mr. Lewis, from the committee on enrolled bills, have examined  
An act regulating ferries on English river.  
An act entitled an act to incorporate the city of Keosauqua.  
An act to authorize the election of an additional Justice of the Peace and constable, in Center township, Henry county.  
An act to provide for holding elections at St. Peters, and other places.

An act to amend an act incorporating the town of Salem, in Henry county.

And,

An act to locate a Territorial road from the Northern limits of Missouri to Keosauqua, in Van Buren county;

And find the same to be correctly enrolled.

Mr. Rogers, on previous notice and leave granted, introduced No. 114, H. R. file, A bill to attach Delaware to Dubuque county, for judicial purposes;

Which was read a first time; when,

On motion of Mr. Rogers,

The 42d rule was suspended and the same read a second and third time, passed and title agreed to.

Mr. Sales, on previous notice and leave granted, introduced No. 115, H. R. file, A bill for the relief of securities of public officers;  
Which was read a first time.

No. 101, H. R. file, An act to authorize Thos. McCrany and James Churchman to keep a ferry across the Mississippi river at Dubuque;

Was read a second time; and,

On motion of Mr. Andros,

The same was ordered to be engrossed and read a third time to-morrow.

No. 102, H. R. file, A bill authorizing the construction of slopes and mill dams on Skunk river;

Was read a second time; and,

On motion of Mr. Wilson,



The 42d rule was suspended; and,  
The same read a third time, passed and title agreed to.

No. 103, H. R. file, A bill to relocate a part of the Territorial road leading from Davenport to Marion;

Was read a second time; when,

On motion of Mr. Berry,

The same was ordered to be engrossed and read a third time to-morrow.

No. 104, H. R. file, A bill to relocate a part of the Territorial road leading from Fort Madison to Iowaville;

Was read a second time; when,

On motion of Mr. Swearingen,

The same was ordered to be engrossed and read a third time to-morrow.

No. 105, H. R. file, A bill to establish a Territorial road from Birmingham, in Van Buren county, to the Indian Agency;

Was read a second time; when,

On motion of Mr. Lewis,

The same was ordered to be engrossed and read a third time to-morrow.

No. 106, H. R. file, A bill to locate a certain Territorial road from Cascade, in Dubuque county, to O. A. Olmstead's mills, in Delaware county;

Was read a second time.

Mr. Rogers moved

To suspend the 42d rule, so that the bill be read a third time now;

Upon which the yeas and nays were ordered;

Yeas 19; Nays 5.

Those who voted in the affirmative were,

Messrs. Andros,

Barton,

Brierly,

Briggs,

Felkner,

Goddard,

Jay,

Lewis,

McMillan,

Newell,

Robertson,

Rogers,

Steele,

Swearingen,

Thornton,

Walworth,

Wilson,

Speaker.

Those who voted in the negative were,

Messrs. Berry,

Blair,

Hackleman,

Hepner,

Sales.

So the bill passed and title was agreed to.

No. 107, H. R. file, A bill to locate a Territorial road from Iowa City, to the Des Moines river;

Was read a second time; when,



Mr. Lewis moved

To amend the 1st section, so that the terminating point of said road be at "White Breast" in lieu of "Raccoon Forks;" pending which,

On motion of Mr. Felkner,

The same was referred to a select committee of three.

The Chair appointed Messrs. Felkner, Robertson and Lewis, said committee.

No. 108, H. R. file, A bill for the organization of County Medical Societies and to regulate the practice of physic and surgery;

Was read a second time; when,

On motion of Mr. Rogers,

The House resolved itself into committee of the whole, Mr. Robertson in the chair; and,

After some time spent therein, the committee rose, and by their chairman reported the same back to the House without amendment;

Which was agreed to.

Mr. Walworth moved

To strike out the 6th section of the same;

Which was agreed to; when,

On motion of Mr. Barton,

The bill was ordered to be engrossed and read a third time to-morrow.

No. 71, C. file, An act amendatory to an act authorizing Robert M. G. Patterson to keep a ferry, &c.;

Was read a second time; when,

On motion of M. McCulloch,

The same was ordered to be read a third time to-morrow.

Mr. Newell moved to take from the table

No. 58, C. file, An act to authorize Ezra F. Denson and Newton P. Denson to keep a ferry across the Mississippi river;

Which was agreed to.

Mr. McMillan moved

To adjourn, which was lost; when,

On motion of Mr. Newell,

No. 58, C. file, (title as above) Was ordered to be read a third time to-morrow.

On motion of Mr. Wilson,

The House adjourned.



## TWO O'CLOCK, P. M.

No. 18, C. file, An act for the limitation of actions and for avoiding vexatious law suits;

Was read a third time, passed and title agreed to.

No. 25, C. file, An act relative to the time of taking effect of the laws of the present session;

Was read a third time; when,

On motion of M. McMillan,

The same was referred to a select committee.

The Chair appointed Messrs. Robertson, Lewis and Hackleman, said committee.

No. 51, C. file, An act regulating the practice in the District Courts;

Was read a third time and passed and title agreed to.

No. 56, C. file, An act to establish new counties and define their boundaries, in the late cession from the Sac and Fox Indians, and for other purposes;

Being the order of the day, was taken up; and,

On motion of Mr. McMillan,

The consideration of the same was postponed.

The following message was received from the Council, by Mr. Fales, their Secretary:

Mr. Speaker—The Council have passed,

No. 36, H. R. file, An act to authorize Isaac R. Campbell and Company to construct a dam across the Des Moines river.

Also with amendments,

No. 65, H. R. file, An act to define the duties of Territorial Agent, and for other purposes.

In which, the concurrence of the House is requested.

The Council have concurred in all the amendments made by the House, to

No. 16, C. file, An act regulating interest on money;

Except the second section, to which they have disagreed.

No. 65, H. R. file, An act to define the duties of Territorial Agent, and for other purposes;

With amendments by the Council, being returned from the same;

On motion of Mr. Felkner,

The House agree to the first amendment.

Mr. Hepner then moved



The House disagree to the second amendment which was to strike out the 10th section;

Which was agreed to,

No. 16, C. file, An act regulating interest on money;  
Being returned from the Council, with the amendments made by the House disagreed to.

Mr. Newell moved

That the House recede from their amendment to the second section of the same;

Upon which the yeas and nays were ordered;

Yeas 14, Nays 10.

Those who voted in the affirmative were,

Messrs. Barton,

Berry,

Blair,

Brierly,

Briggs,

Goddard,

Lewis,

McCulloch,

Newell,

Robertson,

Steele,

Swearingen,

Thornton,

Wilson.

Those who voted in the negative were,

Messrs. Andros,

Felkner,

Hackleman,

Hepner,

Jay,

McMillan,

Rogers,

Sales,

Walworth,

Speaker.

So the motion was agreed to.

On motion of Mr. McMillan,

The House adjourned.

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#### THURSDAY MORNING, FEBRUARY 9, 1843.

The House met pursuant to adjournment.

Mr. Felkner presented the account of Peter Conboy; which,

On motion of Mr. Felkner,

Was referred to the committee on claims.

Mr. Wilson, on leave granted, introduced,

No. 116, H. R. file, Joint resolution authorizing William Crum to print 960 copies of the valuation law;



Which was read a first time.

Mr. Wilson moved to suspend the 42d rule;

So that the same be read a second and third time now;

Which was agreed to.

Mr. Wilson moved to amend by striking out "960," and inserting "1440;"

Which was agreed to.

Mr. Sales moved to further amend, by inserting the following: "and 1440 copies of the act concerning costs and fees;"

Which was agreed to; when,

The same was read a second and third time, passed and title agreed to.

Mr. Lewis, from the committee on enrolled bills, reported that they had examined,

An act for the prevention of certain immoral practices.

An act to authorize Isaac R. Campbell and Company to construct a dam across the Des Moines river.

And find the same to be correctly enrolled.

The following message was received from the Council, by their Secretary, Mr. Fales:

Mr. Speaker—The Council have passed,

No. 84, H. R. file, An act to authorize Robert McKee & Ovid Grinnell, to construct a dam part way across the Des Moines river.

No. 66, C. file, An act to incorporate the Iowa City College.

No. 72, C. file, An act to vacate a part of the plat of the town of Port Allen, and to legalize the relocation of a part of a Territorial road.

The Council have concurred in the report of the committee of conference, on

No. 22, C. file, An act subjecting real and personal estate to execution.

I herewith present for your signature,

An act defining the duties of County Surveyors.

Mr. Barton, from the committee on engrossed bills, have examined

No. 104, H. R. file, An act to relocate a part of the Territorial road leading from Ft. Madison to Iowaville.

No. 105, H. R. file, A bill to establish a Territorial road from Birmingham, in Van Buren county, to the Indian Agency.

No. 108, H. R. file, A bill for the organization of County Medical Societies, and to regulate the practice of physic and surgery.

And,

No. 103, H. R. file, An act to relocate a part of the Territorial road from Davenport to Marion.

And find the same to be correctly engrossed.



Mr. Robertson, on previous notice and leave granted, introduced No. 117, H. R. file, A bill to change the time of the usual meeting of the Legislative Assembly;

Which was read a first time.

Mr. Briggs, from the committee on Territorial Affairs, to whom was referred

No. 100, H. R. file, An act donating out-lot No. 10, in Iowa City, to the citizens thereof;

Have had the same under consideration and reported the bill back to the House without amendment, and recommend its passage.

Mr. McCulloch, from the committee on roads and highways, to whom was referred the petition and remonstrance of sundry citizens of Des Moines county, in relation hereto, reported

No. 118, H. R. file, A bill to relocate a part of the Territorial road leading from Burlington to Iowa City;

Which was read a first time.

Mr. Felkner, from the committee to whom was referred

No. 107, H. R. file, A bill to locate a Territorial road from Iowa City to the Des Moines river;

Reported the same back to the House with amendment.

Mr. Felkner, from the select committee to whom was referred

No. 8, H. R. file, A bill to legalize the acts of the Board of County Commissioners of Jackson county in certain cases, and to make valid the acts of certain road commissioners;

Reported the same back to the House, and recommend its indefinite postponement.

Mr. Robertson, asked and obtained leave, to withdraw the account and petition of Laurel Summers.

No. 110, H. R. file, Joint resolution allowing Wilson & Keesecker additional compensation for printing the Journal of the House of Representatives of last session;

Was read a second time.

Mr. Rogers moved that the same be engrossed and read a third time to-morrow;

Pending which,

Mr. Lewis moved to amend by striking out the sum allowed, viz: "\$100," and insert "\$60;"

Which was lost.

The question then recurring upon the motion to engross;

Upon which the yeas and nays were ordered;

Yeas 14, Nays 10.

Those who voted in the affirmative were,



Messrs. Andros,  
Berry,  
Brierly,  
Briggs,  
Felkner,

Goddard,  
Hackleman,  
Hepner,  
McCulloch,  
Newell,

Rogers,  
Steele,  
Swearingen,  
Speaker.

Those who voted in the negative were,  
Messrs. Barton,  
Blair,  
Jay,  
Lewis,

McMillan,  
Robertson,  
Sales,

Thornton,  
Walworth,  
Wilson.

So the motion was agreed to.

No. 111, H. R. file, Joint resolution employing Edward H. Thomas to superintend the printing of the laws of the present session;

Was read a second time; when,

On motion of Mr. Walworth,

The same was ordered to lie on the table.

No. 113, H. R. file, Joint resolution fixing the compensation of G. S. Hampton, for services rendered the House of Representatives, &c.;

Was read a second time; when,

On motion of Mr. Felkner,

The same was ordered to be engrossed and read a third time to-morrow.

No. 115, H. R. file, A bill for the relief of the sureties of public officers;

Was read a second time; when,

On motion of Mr. Sales,

The House resolved itself into the committee of the whole, for the consideration of the same, Mr. Barton in the Chair; and,

After some time spent therein, the committee rose, and, by their chairman, reported the same back to the House without amendment;

Which was concurred in; when,

On motion of Mr. Hackleman,

The same was ordered to be read a third time to-morrow.

No. 112, H. R. file, A bill regulating marriages;

Was read a second time.

Mr. Wilson moved to commit the same to the committee of the whole, and that it be made the order of the day for Monday next.

Mr. Barton moved to amend, so that the same be the order of the day for to-morrow;

Which was agreed to.

No. 101, H. R. file, An act to authorize Thomas McCrany and Jas. Churchman to keep a ferry across the Mississippi river at Dubuque;

Was read a third time.



Mr. Barton moved

To refer the same to the committee on corporations;  
Which was lost.

Mr. Rogers moved to amend the same by adding the following:

SEC. 3. The non user of the privileges of this act for the space of one year after its passage, shall work a forfeiture of the same;  
Which was agreed to.

The question was then taken upon the passage of the same, put, carried and title agreed to.

No. 58, C. file, An act to authorize Ezra F. Denson and Newton P. Denson, to keep a ferry across the Mississippi river;  
Was read a third time, passed and title agreed to.

Mr. Robertson moved to reconsider the vote had upon,  
No. 101 H. R. file, title as above;  
Which was agreed to; when,

On motion of Mr. Rogers,

The following additional section was made thereto:

SEC. 4. Any future Legislature shall have power to alter, amend, or repeal this act;

And the same passed and the title agreed to.

No. 71, C. file, A bill amendatory of an act authorizing Robert M. G. Patterson to keep a ferry.

No. 103, H. R. file, An act to relocate a part of a Territorial road from Davenport to Marion.

No. 104, H. R. file, An act to relocate a part of the Territorial road leading from Fort Madison to Iowaville;

And,

No. 105, H. R. file, An act to establish a Territorial road from Birmingham, in Van Buren county, to the Indian Agency;

Were severally read a third time, passed and titles agreed to.

No. 108, H. R. file, A bill for the organization of County Medical Societies and to regulate the practice of physic and surgery;

Was read a third time; and,

Upon the question, shall the bill pass?

The yeas and nays were ordered;

Yeas 13, Nays 10.

Those who voted in the affirmative were,

Messrs. Andros,

Barton,

Berry,

Brierly,

Briggs,

Lewis,

McCulloch,

Robertson,

Sales,

Steele,

Swearingen,

Thornton,

Speaker.

Those who voted in the negative were,



Messrs. Blair,  
Felkner,  
Goddard,  
Hackleman,

Hepner,  
Jay,  
McMillan,  
Newell,

Rogers,  
Wilson.

So the bill passed and title was agreed to.

No. 56, C. file, An act to establish new counties and define their boundaries in the late cession from the Sac and Fox Indians, and for other purposes;

Was considered in committee of the whole, Mr. Andros in the chair; and,

After some time spent therein, the committee rose, and by their chairman, reported the same back to the House without amendment;

Which was agreed to; when,

On motion of Mr. Newell,

The same was referred to a select committee of one from each electoral district.

The Chair appointed Messrs. Newell, Barton, Berry, Brierly, Culbertson, Felkner, Hepner, McMillan, Robertson and Rogers, said committee.

The following message was then received from the Council, by their Secretary, Mr. Fales:

Mr. Speaker—The Council have passed with amendment

No. 34, H. R. file, An act for the relief of Walter Butler.

The Council have concurred in the report of the committee of conference relative to

No. 39, C. file, An act concerning costs and fees;

By amending the same.

No. 34, H. R. file, A bill for the relief of Walter Butler;

Being returned from the Council with an amendment, the same was concurred in.

No. 39, C. file, An act concerning costs and fees;

And the report of the committee of conference as amended by the Council, was taken up and agreed to.

No. 107, H. R. file, A bill to locate a Territorial road Iowa City, to the Des Moines river;

With the amendment made by the select committee, to whom the same was referred, was taken up and amendment agreed to; when,

On motion of Mr. Felkner,

The same was ordered to be engrossed and read a third time tomorrow.

No. 100, H. R. file, An act donating out lot No. 10, in Iowa City, to the citizens thereof;

And the report of the committee on Territorial affairs, to whom the



same was referred, was taken up, and the amendment of the committee agreed to; when,

On motion of Mr. Robertson,

The same was ordered to be engrossed and read a third time tomorrow.

No. 8, H. R. file, A bill to legalize the acts of the Board of County Commissioners of Jackson county, in certain cases, and to make valid the acts of certain road commissioners;

With the report of the committee, to whom the same was referred, was taken up, and,

The question being upon the recommendation of the committee, to wit:

The indefinite postponement of the bill;

Was put and agreed to.

Mr. McMillan moved to adjourn;

Which was lost.

Mr. Jay moved to take from the table

No. 33, C. file, An act concerning mortgages;

Which was agreed to; when,

On motion of Mr. Barton,

The House resolved itself into committee of the whole, for the consideration of the same, Mr. Newell in the chair; and,

After some time spent therein, the committee rose, and by their chairman reported progress, and asked leave to sit again;

Which was granted.

On motion of Mr. Hackleman,

The House adjourned.

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## TWO O'CLOCK, P. M.

Mr. McCulloch moved

To reconsider the vote had upon the indefinite postponement of No. 8, H. R. file, A bill to legalize the acts of the Board of County Commissioners of Jackson county, in certain cases, &c.;

Which was agreed to.

Mr. Felkner moved a call of the House, which was had, and absent members sent for; when,

On motion of Mr. Hepner,

The further call of the House was dispensed with.

The question was then taken upon the indefinite postponement of the same, by yeas and nays;



Yeas 14; Nays 8.

Those who voted in the affirmative were,

Messrs. Andros,	Goddard,	Sales,
Blair,	Hepner,	Steele,
Brierly,	Jay,	Thornton,
Briggs,	McMillan,	Speaker.
Felkner,	Rogers,	

Those who voted in the negative were,

Messrs. Berry,	McCulloch,	Swearingen,
Hackleman,	Newell,	Wilson.
Lewis,	Robertson,	

So the indefinite postponement of the bill was agreed to.

The following message was received from the Council, by Mr. Fales, their Secretary:

Mr. Speaker—The Council have passed,

No. 76, H. R. file, A bill to incorporate the Muscatine Lyceum;

No. 68, H. R. file, An act to incorporate the Farmer's Half Breed Land Company, in the county of Lee.

No. 96, H. R. file, An act to divorce certain persons therein named.

No. 66, C. file, An act to incorporate the Iowa City College.

No. 72, C. file, An act to vacate a part of the plat of the town of Port Allen, and to legalize the relocation of a part of a Territorial road;

Were severally read a first time.

No. 68, H. R. file, A bill to incorporate the Farmers' Half Breed Land Company, in the county of Lee.

Being returned from the Council with amendments, the same was considered, and amendments agreed to.

No. 96, H. R. file, A bill granting divorces to certain persons, therein named;

Being returned from the Council with amendments;

The same was considered separately.

The question was taken upon agreeing to the first amendment, which was to strike out the 17th section;

Upon which the yeas and nays were ordered;

Yeas 20; Nays 4.

Those who voted in the affirmative were,

Messrs. Barton,	Hackleman,	Rogers,
Berry,	Jay,	Sales,
Blair,	McCulloch,	Steele,
Brierly,	McMillan,	Swearingen,
Briggs,	Newell,	Wilson,
Felkner,	Robertson,	Speaker.
Goddard,		



Those who voted in the negative were,  
Messrs. Hepner, Thornton, Walworth.  
Lewis,

So the amendment was agreed to.

The question was then taken upon the second and third amendments of the Council, which was to insert two additional sections, and the same agreed to.

The following message was received from the Council, by Mr. Fales, their Secretary:

Mr. Speaker—The Council have passed,  
No. 68, C. file, An act regulating the salary of the Auditor of Public Accounts and Treasurer.

Also with amendments,  
No. 90, H. R. file, An act for the relief of petit jurors, in certain cases.

I herewith present for your signature

An act regulating interest on money.

And,

An act regulating practice in the District Courts.

No. 68, C. file, An act regulating the salary of the Auditor of Public Accounts and Treasurer;

Was read a first time.

No. 90, H. R. file, A bill for the relief of Petit Jurors in certain cases;

Being returned from the Council with amendments, the same was considered separately.

The question was taken upon the 1st amendment of the Council, which was to insert Van Buren county in the provisions of the bill;

And agreed to.

The question was then taken upon the 2d amendment, which was to insert Dubuque county in the provisions of the same; and lost.

No. 33, C. file, An act concerning mortgages;

Was again considered.

Mr. Rogers moved to amend by inserting the following, as an additional section:

Sec. 4. The third section of "an act subjecting real and personal estate to execution," passed at this session of the Legislature, shall not apply to the sale of real estate by virtue of mortgage deeds.

Upon which the yeas and nays were ordered;

Yeas 6, Nays 18.

Those who voted in the affirmative were,

Messrs. Barton,  
Blair,

Lewis,  
McMillan,

Rogers,  
Speaker.

Those who voted in the negative were,



Messrs. Andros,  
Berry,  
Brierly,  
Briggs,  
Felkner,  
Goddard,

Hackleman,  
Hepner,  
Jay,  
McCulloch,  
Newell,  
Robertson,

Sales,  
Steele,  
Swearingen,  
Thornton,  
Walworth,  
Wilson.

So the amendment was disagreed to.

Mr. Barton moved to amend the last section of the same by inserting the following:

"Provided, nothing in this act shall be so construed as to effect or operate on any mortgage duly executed and recorded before the passage of this act.

Which was disagreed to.

Mr. Newell moved to refer the same to a select committee;

Which was agreed to.

The Chair appointed Messrs. Newell, Hepner and Jay, said committee.

Mr. Barton moved to take from the table,

No. 41, H. R. file, A bill to legalize the acts of Cyrus Gibson a Justice of the Peace, of Van Buren county;

Which was agreed to.

Mr. Rogers moved to indefinitely postpone the consideration of the same.

Upon which the yeas and nays were ordered;

Yeas 14; Nays 10.

Those who voted in the affirmative were,

Messrs. Andros,  
Berry,  
Blair,  
Briggs,  
Felkner,

Hepner,  
Jay,  
McMillan,  
Robertson,  
Rogers,

Sales,  
Steele,  
Wilson,  
Speaker.

Those who voted in the negative were,

Messrs. Barton,  
Brierly,  
Goddard,  
Hackleman,

Lewis,  
McCulloch,  
Newell,

Swearingen,  
Thornton,  
Walworth.

So the motion was agreed to.

On motion of Mr. Barton,

The House adjourned.



FRIDAY MORNING, FEBRUARY 10, 1848.

The House met pursuant to adjournment.

Mr. Barton, from the committee on engrossed bills, have examined No. 110, H. R. file, Joint resolution allowing Wilson and Keesecker additional compensation for printing the Journal of the House of Representatives of last session.

No. 113, H. R. file, Joint resolution fixing the compensation of G. S. Hampton, for services rendered this House, &c.

No. 107, H. R. file, An act to locate a Territorial road from Iowa City, to the Des Moines river.

And,

No. 100, H. R. file, An act donating out lot No. 10, in Iowa City, to the citizens thereof.

And find the same to be correctly engrossed.

Mr. Robertson, from the select committee, to whom was referred No. 25, C. file, An act relative to the time of taking effect of the laws of the present session;

Reported the same back to the House and recommended its passage.

The following message was received from the Council by their Secretary Mr. Fales:

Mr. Speaker—The Council have appointed

Messrs. Gehon, Wallace and Wm. Patterson, a committee of conference on the part of the Council, relative to the disagreeing vote of the two Houses on the amendment to the 10th section, of

No. 25, H. R. file, An act organizing a Board of County Commissioners in each county.

The Council have receded from their amendment to the 10th sec. of No. 65, H. R. file, A bill to define the duties of Territorial Agent and for other purposes.

The Council have concurred in all the amendments made by the House to

No. 40 C. file, An act regulating ferries;

Except that made to the 7th section, to which they have disagreed.

The Council have passed

No. 101, H. R. file, An act to authorize Thos. McCrany and James Churchman to keep a ferry across the Mississippi river at Dubuque;

No. 104, H. R. file, An act to relocate a part of the Territorial road leading from Fort Madison to Iowaville.



No. 106, H. R. file, An act to locate a certain Territorial road from Cascade, in Dubuque county, to O. A. Olmstead's mills, in Delaware county.

No. 114, H. R. file, An act to attach Delaware to Dubuque county, for judicial purposes.

No. 116, H. R. file, Joint resolution authorizing William Crum to print 960 copies of the valuation law, and the act concerning costs and fees.

No. 62, H. R. file, An act to authorize Arthur Thome and others, to construct a dam part way across the Des Moines river.

No. 105, H. R. file, An act to establish a Territorial road from Birmingham, in Van Buren county, to the Indian Agency;

I herewith return

An act to authorize Isaac R. Campbell and company, to construct a dam across the Des Moines river;

The same being signed by the President of the Council.

Mr. Felkner presented the petition of Harriett Yewell, asking to be divorced from her husband Soloman Yewell.

Mr. Rogers moved

To lay the same on the table, which was lost.

Mr. Felkner moved

To refer the same to a select committee consisting of the Delegation from Johnson and Henry counties, and that Mr. Lewis be added to the committee; pending which,

Mr. Jay moved

To refer the same to the committee on claims;

Which was lost.

The question upon the original motion was then put, and agreed to.

Mr. Newell, from the select committee, to whom was referred,

No. 33, C. file, An act concerning mortgages;

Reported the same back to the House and recommended its passage.

No. 117, H. R. file, A bill to change the time of the annual meeting of the Legislative Assembly;

Was read a second time.

Mr. Rogers moved

To indefinitely postpone the consideration of the same;

Upon which the yeas and nays were ordered;

Yeas 18, Nays 5.

Those who voted in the affirmative were,

Messrs. Andros,  
Barton,  
Berry,  
Blair,  
Brierly,  
Briggs,  
Felkner,

Goddard,  
Hackleman,  
Hepner,  
Jay,  
McCulloch,  
McMillan,

Newell,  
Rogers,  
Sales,  
Steele,  
Swearingen,  
Speaker.



Those who voted in the negative were,  
Messrs. Lewis, Thornton, Wilson.  
Robertson, Walworth,  
So the bill was indefinitely postponed.

No. 68, C. file, An regulating the salary of the Auditor of Public Accounts and Treasurer;

Was read a second time, when,

On motion of Mr. Barton,

The same was referred to a select committee.

The Chair appointed Messrs. Barton, Hepner and Walworth, said committee.

No. 72, C. file, An act to vacate a part of the plat of the town of Port Allen, and to legalize the relocation of a part of a Territorial road;

Was read a second time; when,

On motion of Mr. Newell,

The same was ordered to be read a third time to-morrow.

No. 66, C. file, An act to incorporate the Iowa City College;

Was read a second time; when,

On motion of Mr. Felkner,

The House resolved itself into committee of the whole, Mr. Briggs in the chair; and,

After some time spent therein, the committee rose, and by their chairman, reported the same back to the House with amendments;

Which were concurred in; when,

On motion of Mr. Felkner,

The same was referred to a select committee.

The Chair appointed Messrs. Felkner, Hepner and Barton, said committee.

No. 100, H. R. file, An act donating out lot No. 10, in Iowa City, to the citizens thereof.

No. 107, H. R. file, An act to locate a Territorial road from Iowa City, to the Des Moines river.

No. 113, H. R. file, Joint resolution fixing the compensation of G. S. Hampton for services rendered the House of Representatives, &c.

No. 110, H. R. file, Joint resolution allowing to Wilson & Kee-secker additional compensation for printing the Journal of the House of Representatives of last session.

And,

No. 115, H. R. file, A bill for the relief of securities of public officers in certain cases.

Were severally read a third time, passed and titles agreed to.



No. 112, H. R. file, A bill regulating marriages;

Was considered in committee of the whole, Mr. Sales, in the chair; and,

After some time spent therein, the committee rose, and by their chairman, reported the same back to the House with amendments.

The following message was received from the Council, by Mr. Fales, their Secretary:

Mr. Speaker—The Council have passed,  
No. 64, C. file, An act defining crimes and punishments.

No. 70, C. file, An act authorizing the several Boards of County Commissioners to grant permits for constructing dams across navigable rivers.

No. 75, C. file, Joint resolution authorizing the payment of money to the Secretary of the Territory.

No. 89, H. R. file, Joint resolution relative to the printing of the decisions of the Supreme Court.

I herewith present for your signature,  
An act to authorize Ezra F. Denson and Newton P. Denson to keep a ferry.

An act amendatory to an act authorizing R. M. G. Patterson to keep a ferry.

An act subjecting real and personal estate to execution.

The Council have passed with amendments,  
No. 45, H. R. file, An act to provide for assessing and collecting County and Territorial revenue.

No. 48, H. R. file, An act providing for and regulating general elections in this Territory.

The Council insist on their amendment, to  
No. 90, H. R. file, An act for the relief of petit jurors, in certain cases.

Mr. Lewis, from the committee on enrolled bills, reported that they had presented to the Governor for his approval on the 10th instant:

An act regulating ferries on English river.

An act entitled an act to incorporate the city of Keosauqua.

An act to incorporate the Jackson County Academy.

An act to provide for holding elections at Saint Peters and other places.



An act to locate a Territorial road from the northern limits of Missouri to Keosauqua, in Van Buren county.

An act to amend an act incorporating the town of Salem, in Henry county.

An act to authorize the election of an additional Justice of the Peace and constable, in Center township, Henry county.

An act to authorize Isaac R. Campbell and Company to construct a dam part way across the Des Moines river.

An act for the prevention of certain immoral practices.

On motion of Mr. Wilson,  
The House adjourned.

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#### TWO O'CLOCK, P. M.

The following message was then received from the Council, by their Secretary, Mr. Fales:

Mr. Speaker—The Council have stricken out all after the enacting clause, of

No. 94, H. R. file, An act to encourage the destruction of wolves.

Mr. Andros moved

A call of the House, which was had, and absent members sent for.

Mr. McCulloch asked and obtained leave of absence for Mr. Brierly; when,

On motion of Mr. Hackleman,  
The further call of the House was dispensed with.

Mr. Hepner moved to resume the consideration of  
No. 112, H. R. file, A bill regulating marriages;  
Which was lost.

No. 25, H. R. file, An act organizing a board of County Commissioners in each county in the Territory of Iowa;  
Being returned from the Council;

On motion of Mr. Robertson,  
A committee of conference was appointed on the part of the House, to confer with a similar committee appointed by the Council, in relation to the disagreeing vote of the two Houses, upon the same.

The Chair appointed Messrs. Robertson, Blair and Newell, said committee.



No. 40, C. file, An act regulating ferries;  
Being returned from the Council, with their disagreement to the amendment of the House to the 7th section.

Mr. Barton moved

That the House insist upon their amendment to the same;  
Which was agreed to.

No. 70, C. file, An act authorizing the several Boards of County Commissioners to grant permits for constructing dams across navigable rivers.

No. 75, C. file, Joint resolution authorizing the payment of money to the Secretary of the Territory;

And,

No. 64, C. file, An act defining crimes and punishments;  
Were severally read a first time.

No. 45, H. R. file, An act providing for assessing and collecting county and Territorial revenue;

Being returned from the Council with amendments;

The same were considered separately, and the first, second, third, sixth, seventh, eighth, ninth and tenth amendments of the Council agreed to;

And the fourth and fifth amendments of the same disagreed to.

No. 90, H. R. file, An act for the relief of petit jurors, in certain cases;  
Being returned from the Council, the Council insisting upon their amendments to the same;

Mr. Rogers moved

That the House recede from her disagreeing vote to the same;  
Which was agreed to.

Mr. Bunker moved

To take from the table,

No. 97, H. R. file, An act to locate a Territorial road in Henry and Washington counties, and vacate a part of a Territorial road in said counties;

Which was agreed to; when,

On motion of Mr. Bunker,

The same was read a third time, passed and title agreed to.

Mr. Felkner moved to take from the table

No. 98, H. R. file, Joint resolution authorizing the Territorial Treasurer to disburse the money accruing to the Territory under the act of Congress, 4th of September, 1841;

Which was agreed to; when,

On motion of Mr. Walworth,

The same was referred to a select committee of one from each electoral district.

The Chair appointed Messrs. Walworth, Andros, Culbertson, Felk-



ner, Hepner, McCulloch, McMillan, Newell, Robertson, and Swearingen, said committee.

No. 48, H. R. file, An act providing for and regulating general elections;

Being returned from the Council with amendments by the same.

The amendments were considered separately.

The question was taken upon the first amendment of the Council, and agreed to.

The question was then taken upon agreeing to the second amendment of the Council, to wit:

Insert after the word "affirmation" in the 16th line of the 12th section, the following:

"And make full and satisfactory answers to such interrogatories."

Upon which the yeas and nays were ordered;

Yeas 9; Nays 14.

Those who voted in the affirmative were,

Messrs. Andros,  
Berry,  
Briggs,

Felkner,  
Hackleman,  
Hepner,

McCulloch,  
Rogers,  
Speaker.

Those who voted in the negative were,

Messrs. Barton,  
Blair,  
Bunker,  
Jay,  
Lewis,

McMillan,  
Newell,  
Robertson,  
Sales,  
Steele,

Swearingen,  
Thornton,  
Walworth,  
Wilson,

So the 2d amendment was concurred in.

The question was then taken upon concurring in the third amendment of the Council;

And agreed to.

The question was then taken upon concurring in the 4th amendment of the Council;

The yeas and nays were ordered;

Yeas 15, Nays 8.

Those who voted in the affirmative were,

Messrs. Barton,  
Berry,  
Blair,  
Bunker,  
Jay,

Lewis,  
McMillan,  
Newell,  
Robertson,  
Sales,

Steele,  
Swearingen,  
Thornton,  
Walworth,  
Wilson.

Those who voted in the negative were,

Messrs. Andros,  
Briggs,  
Felkner,

Hackleman,  
Hepner,  
McCulloch,

Rogers,  
Speaker.



So the 4th amendment of the Council was agreed to.

The following message was received from the Council, by Mr. Fales, their Secretary:

Mr. Speaker—The Council have passed, with amendments, No. 70, H. R. file, A bill relative to the probate of wills, executors, administrators, guardians, trustees of minors and probate courts, and for defining their duties.

And have receded from their amendments to the 18th and 52d sections of

No. 45, H. R. file, An act to provide for assessing and collecting County and Territorial revenue.

The Council insist upon their disagreement to the amendment of the House, to the 7th section of

No. 40, C. file, An act regulating ferries;

And have appointed Messrs. Springer, Jenkins and R. M. G. Patterson, a committee of conference in relation thereto.

The Council have passed with amendments,

No. 100, H. R. file, An act donating out lot No. 10, in Iowa City, to the citizens thereof.

And,

No. 72, H. R. file, A bill to relocate the county seat of Clayton county.

Also with amendments,

No. 113, H. R. file, Joint resolution fixing the compensation of G. S. Hampton, for services rendered the House of Representatives, &c.

I herewith present for your signature,  
An act concerning costs and fees.

No. 70 H. R. file, An act relative to probate of wills, &c.;  
Being returned from the Council with amendments.

The same were considered separately and agreed to.

No. 40, C. file, An act regulating ferries;

Being returned from the Council, the Council insisting upon her disagreeing vote, to the amendment of the House, to the same.

On motion of Mr. Barton,

A committee of conference was appointed, on the part of the House, to confer with a similar committee, appointed on the part of the Council, in relation to the same.

The Chair appointed Messrs. Barton, Hepner and McMillan, said committee.

No. 100, H. R. file, An act donating out-lot No. 10, in Iowa City, to the citizens thereof;



Being returned from the Council with amendments, the same were considered separately;

And agreed to.

No. 72 H. R. file, An act to relocate the county seat of Clayton county;

Being returned from the Council with amendments;

On motion of Mr. Andros,

The same was disagreed to.

Mr. Robertson moved to reconsider the vote had upon the same;

Which was agreed to; when,

On motion of Mr. Rogers,

The amendment of the Council to the same was agreed to.

No. 25, C. file, An act relative to the time of taking effect of the laws of the present session;

And the report of the committee, to whom the same was referred, was taken up and concurred in; when,

On motion of Mr. McMillan,

The 42d rule was suspended; and,

The same read a second and third time, passed and title agreed to.

No. 33, C. file, An act concerning mortgages;

And the report of the committee, to whom the same referred;

Was taken up.

Mr. McMillan moved

To suspend the 42d rule, so that the bill be read a third time now;

Pending which,

Mr. Barton moved to amend the last section of the same, by inserting the following:

"Provided, nothing in this act shall be so construed as to effect or operate on any mortgage executed and recorded before the passage of this act."

Which was lost.

The question then recurring upon the original motion;

Was put and agreed to; and,

The same read a third time, passed and title agreed to.

Mr. Walworth, on leave granted, introduced

No. 119, H. R. file, An act to locate a Territorial road from a certain point on the Territorial road leading from Bloomington to Iowa City, and to the rapids on Cedar river.

Which was read a first time; and,

On motion of Mr. Walworth,

The 42nd rule was suspended; and,

The same read a second and third time, passed and title agreed to.

Mr. Rogers, on leave granted, introduced



No. 120, H. R. file, Joint resolution relative to the repayment of the fine imposed upon General Jackson.

Which was read a first time.

On motion of Mr. McMillan,

The House adjourned.

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SATURDAY MORNING, FEBRUARY 11, 1843.

The House met pursuant to adjournment.

Mr. Berry presented the petition of sundry citizens, asking that the act of James M. Denson, as Justice of the Peace for Washington township, Linn county, be legalized; which,

On motion of Mr. Berry,

Was referred to the delegation from Cedar, Linn and Jones.

Mr. Bunker presented the petition of sundry citizens of Washington county, in relation to a certain Territorial road; which,

On motion of Mr. Bunker,

Was referred to the delegation from Washington and Louisa counties.

Mr. Bunker presented the petition of sundry citizens of Washington county, asking the repassage of an act to locate a certain Territorial road; which,

On motion of Mr. Bunker,

Was referred to a select committee.

The Chair appointed Messrs. Bunker, Felkner and Newell, said committee.

Mr. McMillan, from the committee to whom was referred the petition of Harriett Yewell, praying to be divorced from her husband Solomon Yewell, have had the same under consideration and have agreed to ask to be discharged from the further consideration of the subject, and that the petitioner have leave to withdraw her petition.

Mr. Robertson, from the committee of conference, appointed to take into consideration the disagreeing vote between the two Houses upon

No. 25, H. R. file, An act organizing a Board of County Commissioners in each county in the Territory of Iowa;

Reported the same back to the House and recommended its passage, with the following amendment:



10th section, 15th line, add "or reserve funds for such payment."

Mr. Felkner gave notice that he would on same future day ask leave to introduce a bill to divorce Harriett Yewell, from her husband, Solomon Yewell.

Mr. Andros, on previous notice and leave granted, introduced No. 121, H. R. file, An act allowing and regulating writs of attachment;

Which was read a first time.

Mr. Lewis, from the committee on enrolled bills, reported that they had examined,

An act to attach Delaware to Dubuque county for judicial purposes.

Joint resolution authorizing William Crum to print 1440 copies of the valuation law, and the act concerning costs and fees, in pamphlet form.

An act relative to mechanics' liens, and for other purposes.

Joint resolution relative to the printing of the decisions of the Supreme Court.

An act to incorporate the Farmer's Half Breed Land Company, in the county of Lee.

An act to authorize Robert McKee and Ovid Grennell, to construct a dam part way across the Des Moines river.

Joint resolution relative to seals for Delaware county.

An act to divorce certain persons therein named.

An act supplemental to an act entitled an act for the relocation of the county seat of Lee county.

An act to prevent and punish gaming.

An act to locate a Territorial road from Cascade, in Dubuque county, to O. A. Olmstead's mills, in Delaware county.

An act for the relief of Walter Butler.

An act to relocate a part of the Territorial road leading from Fort Madison to Iowaville.

An act to establish a Territorial road from Birmingham, in Van Buren county, to the Indian Agency.

An act to define the duties of Territorial Agent, and for other purposes; and,

An act to authorize Thomas McCrany and Jas. Churchman to keep a ferry across the Mississippi river at Dubuque.



And find the same to be correctly enrolled.

No. 64, C. file, An act defining crimes and punishments;

Was considered in committee of the whole, Mr. Barton in the chair; and,

After some time spent therein, the committee rose, and by their chairman reported progress, and asked leave to sit again;

Which was granted.

The following message was received from the Council, by Mr. Fales, their Secretary:

Mr. Speaker—The Council have passed,

No. 61, C. file, An act to authorize Isaiah Henshaw to erect a dam across Walnut Creek, in the county of Jefferson.

No. 65, C. file, An act defining the number of copies of the laws of the present session to be published, and the mode of their distribution.

No. 76, C. file, A joint resolution for the relief of the estate of Jas. M. Hawkins, deceased.

No. 102, H. R. file, An act authorizing the construction of slopes in mill dams in Skunk river.

Also with amendments,

No. 80 H. R. file, Joint resolution authorizing Hughes & Williams to print the laws of the present session.

No. 109, H. R. file, Joint resolution allowing to B. F. Wallace and Jos. T. Fales, an additional compensation.

Also without amendments,

No. 110, H. R. file, Joint resolution allowing Wilson & Keesecker additional compensation for printing the Journal of the House of Representatives of last session.

I herewith present for your signature

An act to provide for changing the venue in civil and criminal cases.

An act to amend an act to incorporate the Washington Manufacturing company.

On motion of Mr. Hepner,

The House adjourned.



## TWO O'CLOCK, P. M.

No. 70, C. file, An act authorizing the several Boards of County Commissioners, to grant permits for constructing dams across navigable rivers;

Was read a second time; and,

On motion of Mr. Hepner,

Committed to the committee of the whole, and made the order of the day for Monday.

No. 75, C. file, Joint resolution authorizing the payment of money to the Secretary of the Territory;

Was read a second time; and,

On motion of Mr. Robertson,

The same was ordered to be read a third time on Monday.

No. 120, H. R. file, Joint resolution relative to the repayment of the fine imposed upon General Jackson;

Was read a second time; and,

On motion of Mr. McMillan,

Committed to the committee of the whole and made the order of the day for Tuesday.

No. 118, H. R. file, A bill to relocate a part of the Territorial road leading from Burlington to Iowa City;

Was read a second time; and,

On motion of Mr. Hackleman,

The 42d rule was suspended, and the same read a second and third time, passed and title agreed to.

No. 61, C. file, A bill to authorize Isaiah Henshaw to erect a dam across Walnut Creek, in Jefferson county.

No. 65, C. file, An act defining the number of copies of the Laws of the present session to be published, and the mode of their distribution.

And,

No. 76, C. file, Joint resolution for the relief of the estate of James M. Hawkins deceased.

Were severally read a first time.

No. 72, C. file, An act to vacate a part of the plat of the town of Port Allen, and to legalize the relocation of a part of a Territorial road;

Was read a third time, passed and title agreed to.

No. 80, H. R. file, A joint resolution to authorize Hughes and Williams to print the laws of the present session;



Being returned from the Council with amendments, was considered and amendments concurred in.

No. 109, H. R. file, Joint resolution allowing to B. F. Wallace and Joseph T. Fales, an additional compensation, &c.;

Being returned from the Council with amendment, the same was concurred in.

No. 66, C. file, An act to incorporate the Iowa City College.

Was read a third time, passed and title agreed to.

The report of the select committee to whom was referred the petition of Harriett Yewell, was taken up; the report concurred in, and the committee discharged.

No. 25, H. R. file, An act organizing a Board of County Commissioners in each county;

And the report of the committee of conference to whom the same was referred, was taken up, and the report and amendment concurred in.

Mr. Robertson moved to reconsider the vote had upon

No. 72, H. R. file, A bill to relocate the county seat of Clayton county;

Which was agreed to; when,

On motion of Mr. Robertson,

All after the word "Provided" in section 9th, was stricken out, to the words "Prairie Laport" inclusive;

Which was agreed to.

No. 64, C. file, An act defining crimes and punishment;

Was again resumed in committee of the whole, Mr. Barton in the Chair; and,

After some time spent therein, the committee rose, and, by their chairman, reported the same back to the House with sundry amendment;

Which were considered separately, and agreed to, except the 21st section;

Which was disagreed to by yeas and nays;

Yeas 6; Nays 15.

Those who voted in the affirmative were,

Messrs. Andros,

McCulloch,

Rogers,

Hepner,

Newell,

Speaker.

Those who voted in the negative were,

Messrs. Barton,

Hackleman,

Steele,

Berry,

Jay,

Swearingen,

Blair,

Lewis,

Thornton,

Bunker,

McMillan,

Walworth,

Goddard,

Robertson,

Wilson.



The House also disagreed to some slight amendments made by the committee, to the 65th section, of the first class of crimes, and to 11th, 25th and 37th sections of the second class.

Mr. Lewis then offered the following to come in at the end of 43d section:

"Provided, That no person imprisoned in any county jail for a failure to pay any fine imposed upon him, shall not be imprisoned more than three months, if he has no property."

Which was lost; when,

On motion of Mr. McMillan,

The amendments were ordered to be engrossed and read a third time on Monday.

On motion of Mr. Newell,

The House adjourned.

#### MONDAY MORNING, FEBRUARY 13, 1843.

The House met pursuant to adjournment.

Mr. Culbertson presented the petition of sundry citizens of Washington county, in relation to their county boundary; which,

On motion of Mr. Culbertson,

Was referred to the committee on township and county boundaries.

Mr. Wilson offered the following:

Resolved, That no business of a general nature be introduced into this House after the 14th of this month, nor any of a local nature after the 15th.

Which was lost.

Mr. Barton from the committee of conference to whom was referred No. 68, C. file, An act regulating the salary of the Auditor of Public Accounts and Treasurer;

Reported the same back to the House, with a communication from the Auditor of Public Accounts, and recommend the passage of the bill.

AUDITOR'S OFFICE,

Iowa City, Feb. 10th, 1843. }

To the Honorable, select committee of the House of Representatives, to whom was referred, a bill regulating the salary of Auditor of Public Accounts, and Territorial Treasurer:



Gentlemen:—In compliance with the request of your Chairman, I herewith transmit to you, a partial statement of the condition of this office, and the duties necessary to be performed by the Auditor of Public Accounts. With regard to the present situation and condition of the office, I have only to say, that it is in a state of utter confusion. The books and papers appertaining to the office, came into my hands about three hours since—consequently, from the short space of time that they have been in my possession, I am not prepared to state any thing in relation to their contents. I discover that there are but two books in the office; one of which contains accounts (which have been very imperfectly kept,) with some of the Collectors of the different counties in the Territory; the other appears to have been originally intended as a record of official correspondence, but has not been used for that or any other purpose, since sometime in the month of December, 1841. From the slight view which I have been enabled to take of the papers, I discover that there are many of the Clerks of the different Boards of County Commissioners in the Territory, that have failed to transmit to this office an abstract of the amount of Territorial taxes assessed in their respective counties, according to law. Consequently, it is impossible, under existing circumstances, to make an estimate of what amount of tax has been assessed and collected for Territorial purposes. It will therefore, be incumbent upon me in entering upon the discharge of the duties of the office, to address a circular to each of the Clerks of the several Boards of County Commissioners, who have heretofore failed to transmit to this office an abstract as aforesaid, for the purpose of ascertaining what amount of taxes have been assessed and collected, in such counties, for Territorial purposes; and for the purpose of rendering such taxes available to the Territory, it will be necessary to adopt such coercive measures, as are provided for by law, to compel the collecting and receiving officers of the different counties, to account to, and settle with the Territorial Treasurer, for such amount of the Territorial revenue as now remains in their hands, for which they have not heretofore accounted.

You will perceive by reference to the several statutes prescribing the duties of the Auditor of Public Accounts, that it is his duty to audit and keep all the accounts of the Territory, for which purpose (under existing laws) he is required to keep five books; also, to prosecute all suits for the collection of the Territorial revenue. And for the purpose of arriving at a more correct conclusion, respecting the duties of the Auditor, I would respectfully refer you to the acts of the Legislative Assembly of 1838 and '39, page 142, together with the subsequent acts relative to the same subject.

Very respectfully

Your obedient servant,

WILLIAM L. GILBERT,

Auditor of Public Accounts.

When,

On motion of Mr. Barton,



The 42d rule was suspended and the same read a second and third time, passed and title agreed to.

Mr. Barton, from the committee of conference, to whom was referred

No. 40, C. file, An act regulating ferries;

Reported the same back to the House, and recommended that the House insist upon their amendments to the 7th section of said act;

Which report was concurred in.

Mr. Berry, from the committee to whom was referred the petition of sundry citizens of Linn county, in relation hereto, reported

No. 122, H. R. file, A bill to legalize the acts of James M. Denson, an acting Justice of the Peace, in and for Linn county;

Which was read a first time.

Mr. Andros, from the committee on claims, to whom was referred the account of Peter Conboy, for services rendered the Council and House of Representatives as Fireman, during the present session, reported

No. 123, H. R. file, Joint resolution allowing pay to Peter Conboy;

Which was read a first time; when,

Mr. Hepner moved

To refer the same to the committee on expenditures;

Which was agreed to.

Mr. Newell, from the committee, to whom was referred,

No. 56, C. file, An act to establish new counties and define their boundaries, in the late cession from the Sac and Fox Indians, and for other purposes;

Reported the same back to the House and recommended the following amendments:

Sec. 1st. Strike out "Davis" and insert "Musquakee."

Sec. 2d. Strike out "Clarke" and insert "Appanoose," and in the same section, strike out "Davis and Clarke" wherever they occur, and insert "Musquakee."

Sec. 3d. Strike out "Chambers" and insert "Wapello," and in the same section, strike out "Davis" and insert "Musquakee."

Sec. 4th. Strike out "Harrison" and insert "Maniton," and in the same section, strike out "Chambers" and insert "Wapello."

Sec. 5th. Strike out "Dodge" and insert "Keokuk."

Sec. 6th. Strike out "Lucas" and insert "Makaska," and in the same section, strike out "Dodge" and insert "Keokuk," wherever it occurs.

Sec. 7th. Strike out "Iowa" and insert "Tecumseh."



Sec. 8th. Strike out "Wapello" and insert "Powesheik," and in the same section, strike out "Iowa," wherever it occurs, and insert "Tecumseh."

Sec. 9th. Strike out "Calhoun" and insert "Maquoketa."

Sec. 10th. Strike out "Tecumseh" and insert "Winani," and in the same section, strike out "Calhoun," wherever it occurs, and insert "Maquoketa."

Mr. Lewis, from the committee on enrolled bills, reported that they had presented to the Governor for his approval:

An act to prevent and punish gaming.

An act to establish a Territorial road from Birmingham, in Van Buren county, to the Indian Agency.

An act supplemental to an act for the relocation of the county seat of Lee county.

An act to incorporate the Farmers' Half Breed Land Company, in the county of Lee.

An act for the relief of Walter Butler.

An act to locate a Territorial road from Cascade, in Dubuque county, to O. A. Olmstead's mills, in Delaware county.

Joint resolution relative to seals for Delaware county.

An act to relocate a part of the Territorial road leading from Fort Madison to Iowaville.

An act to authorize Robert McKee & Ovid Grennell, to construct a dam part way across the Des Moines river.

An act relative to mechanics' liens and for other purposes.

An act to divorce certain persons therein named.

A Memorial for a grant of land for a canal at each of the Rapids of the Mississippi river.

Joint resolution authorizing William Crum to print 1440 copies of the valuation law, and the act concerning costs and fees, in pamphlet form.

An act to attach Delaware to Dubuque county, for judicial purposes.

Joint resolution relative to the printing of the decisions of the Supreme Court.

The committee on enrolled bills, reported that they had examined,



An act to provide for assessing and collecting County and Territorial revenue.

An act relative to the probate of wills, executors, administrators, guardians, trustees of minors, and probate courts, and for defining their powers and duties.

An act providing for and regulating general elections.

Joint resolution fixing the compensation of George S. Hampton for services rendered the House of Representatives.

An act donating out lot No. 10, in Iowa City, to the citizens thereof.

Joint resolution allowing B. F. Wallace and J. T. Fales additional compensation, &c.

Joint resolution to authorize Hughes & Williams to print the laws of the present session.

An act to authorize Arthur Thome and others, to construct a dam part way across the Des Moines river.

An act to authorize Robert McKee and Ovid Grennell to construct a dam part way across the Des Moines river.

An act for the relief of petit jurors, in certain cases.

An act authorizing the construction of slopes and mill dams on Skunk river.

And,

Joint resolution allowing to Wilson & Keesecker additional compensation for printing the Journal of the House of Representatives of last session.

And find the same to be correctly enrolled.

Mr. Lewis, from the select committee, to whom was referred.

No. 92, H. R. file, A bill to authorize the County Commissioners of Scott and Lee counties, to grant licenses to Pilots, &c.;

Reported the same back to the House and recommended that the 3d and 5th sections of the bill be stricken out.

Mr. Lewis, from the select committee, to whom was referred.

No. 43, H. R. file, An act to donate the public landing in the town of Bentonsport for mill purposes;

Reported a substitute title as follows:

No. 43, H. R. file, An act allowing the holders of a charter to erect a dam across the Des Moines river, at Bentonsport, further time, and to vacate a portion of a town plat of Bentonsport.

Mr. Bunker, from the committee, to whom was referred the petition of sundry citizens of Washington county, in relation hereto, reported,



No. 124, H. R. file, An act to locate a Territorial road in Louisa and Washington counties;

Which was read a first and second time; when,

On motion of Mr. Bunker,

The first blank was filled by inserting therein "James P. Morgan;" and,

On motion of Mr. McMillan,

The second blank was filled by inserting "Samuel Bell;" when,

On motion of Mr. Bunker,

The 42d rule was suspended; and,

The same read a third time, passed and title agreed to.

Mr. Bunker, from the committee, to whom was referred the petition of sundry citizens of Washington county, in relation hereto, reported No. 125, H. R. file, A bill to legalize the acts of certain road commissioners in Washington county;

Which was read a first time; and,

On motion of Mr. Bunker,

The 42d rule was suspended; and,

The same was read a second and third time, passed and title agreed to.

No. 121, H. R. file, An act allowing and regulating writs of attachments;

Was read a second time; when,

On motion of Mr. Rogers,

The 42d rule was suspended and the same read a third time passed and title agreed to.

No. 61, C. file, An act authorizing Isaiah Henshaw to erect a dam across Walnut Creek, in said county;

Was read a second time; when,

On motion of Mr. Culbertson,

The same was ordered to lie on the table.

No. 65, C. file, An act defining the number of copies of the laws of the present session to be published, and the mode of their distribution;

Was read a second time; and,

On motion of Mr. McMillan,

The same was referred to a select committee.

The Chair appointed Messrs. McMillan, Rogers and Barton, said committee.

No. 76, C. file, Joint resolution for the relief of the estate of James M. Hawkins, deceased;

Was read a second time; when,

On motion of Mr. Felkner,

The same was referred to the committee on expenditures.

No. 75, C. file, Joint resolution authorizing the payment of money to the Secretary of the Territory;



And,

No. 64, C. file, An act defining crimes and punishments;  
Were read a third time, passed and titles agreed to.

No. 70, C. file, An act authorizing the several Boards of County Commissioners to grant permits for constructing dams across navigable rivers;

Was considered in committee of the whole, Mr. Andros, in the chair; and,

After some time spent therein, the committee rose, and by their chairman, reported the same back to the House with an amendment.

Which was concurred in; when,

Mr. Andros moved

To amend the 8th section, by inserting after "Skunk river" the following:

And also, that part of Turkey river running through Clayton county above the mouth of Volga;

Which was agreed to.

Mr. McMillan moved

To amend the 7th section of the same, by striking out the following: "By order of the Board of County Commissioners," and insert in lieu thereof "on application of the Board of County Commissioners to the District Court;"

Which was lost; when,

Mr. Lewis moved to suspend the 42d rule; and,

That the same be read a third time now;

Upon which the yeas and nays were ordered;

Yeas 22; Nays 4.

Those who voted in the affirmative were,

Messrs. Andros,	Hepner,	Sales,
Barton,	Jay,	Steele,
Brierly,	Lewis,	Swearingen,
Briggs,	McCulloch,	Thornton,
Bunker,	Newell,	Walworth.
Culbertson,	Robertson,	Wilson,
Goddard,	Rogers,	Speaker.
Hackleman,		

Those who voted in the negative were,

Messrs. Berry,	Felkner,	McMillan.
Blair,		

So the motion was agreed to; and,

The same read a third time, passed and title agreed to.

The following message was received from the Council, by their Secretary, Mr. Fales:

Mr. Speaker—The Council have passed,



No. 125, H. R. file, An act to legalize the acts of certain road commissioners, in Washington county.

The Council have concurred in the amendment made by the House to the amendment of the Council, to

No. 72, H. R. file, An act to relocate the county seat of Clayton county.

I herewith present for your signature,  
An act to incorporate the Iowa City College.  
Joint resolution authorizing the payment of money to the Secretary of the Territory.

On motion of Mr. Lewis,  
The House adjourned.

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TWO O'CLOCK, P. M.

No. 112, H. R. file, A bill regulating marriages;  
Was resumed in committee of the whole, Mr. McCulloch in the chair; and,

After some time spent therein, the committee rose, and by their chairman, reported the same back to the House with amendments;  
Which were concurred in.

Mr. Wilson moved to refer the same to a select committee;  
Which was lost.

Mr. McMillan moved  
To amend the sixth line of the fourth section, by striking out "fifty," and inserting "twelve."

Mr. Rogers moved to amend the amendment by inserting "twenty-five."

A division of the question was called for, and had;  
And the question taken upon striking out, and agreed to.

The question was then taken upon inserting "twenty-five," and agreed to.

Mr. Jay moved  
To amend the 6th section, by adding the following:  
"Provided, nothing in this act shall be so construed as to interfere in any way with the mode or manner of any religious societies in solemnizing matrimony."  
Which was lost.



Mr. Newell moved to strike out all after the enacting clause;

Pending which,

Mr. Hepner moved

To amend by inserting the following section:

Sec. 4. That no minister of the gospel or priest of any christian denomination, shall be authorized by law to solemnize the rites of matrimony, in this Territory, until such minister or priest have caused to be recorded in the office of the Clerk of the district Court of the county, in which he proposes to solemnize the rites of matrimony, his license or the credentials of his clerical character, and have obtained from such clerk a certificate under his hand and official seal, that the same is duly recorded in his office.

Mr. Barton moved a call of the House, which was had, and absent members sent for, who appearing in their seats;

On motion of Mr. Andros,

The further call of the House was dispensed with.

The question was then taken upon Mr. Hepner's amendment by yeas and nays;

Yeas 18, Nays 8.

Those who voted in the affirmative were,

Messrs. Andros,

Barton,

Berry,

Blair,

Brierly,

Bunker,

Culbertson,

Felkner,

Goddard,

Hackleman,

Hepner,

Lewis,

McCulloch,

McMillan,

Robertson,

Steele,

Walworth,

Speaker.

Those who voted in the negative were,

Messrs. Briggs,

Jay,

Newell,

Rogers,

Sales,

Swearingen,

Thornton,

Wilson.

Mr. Wilson then moved

To amend the 6th section, by adding the following:

Provided, That nothing in this act shall be so construed as to require any religious denomination to file their certificates with the Clerk of the Court, for record, when they may in accordance with their church discipline, make and keep a record of the same, unless they see proper so to do.

Upon which the yeas and nays were ordered;

Yeas 5; Nays 21.

Those who voted in the affirmative were,

Messrs. Bunker,

Newell,

Steele,

Thornton,

Wilson.

Those who voted in the negative were,

Messrs. Andros,

Barton,

Goddard,

Hackleman,

Robertson,

Rogers,



Messrs. Berry,  
Blair,  
Briggs,  
Culbertson,  
Felkner,

Hepner,  
Jay,  
Lewis,  
McCulloch,  
McMillan,

Sales,  
Swearingen,  
Walworth,  
Speaker.

So the amendment was lost.

The question was then taken upon the motion to strike out all after the enacting clause by yeas and nays;

Yeas 12, Nays 14.

Those who voted in the affirmative were,

Messrs. Andros,  
Berry,  
Blair,  
Briggs,

Bunker,  
Felkner,  
Newell,  
Robertson,

Steele,  
Thornton,  
Walworth,  
Wilson.

Those who voted in the negative were,

Messrs. Barton,  
Brierly,  
Culbertson,  
Goddard,  
Hackleman,

Hepner,  
Jay,  
Lewis,  
McCulloch,  
McMillan,

Rogers,  
Sales,  
Swearingen,  
Speaker.

So the motion was lost.

Mr. Wilson moved

To indefinitely postpone the consideration of the same.

Upon which the yeas and nays were ordered;

Yeas 12, Nays 13.

Those who voted in the affirmative were,

Messrs. Andros,  
Berry,  
Blair,  
Briggs,

Bunker,  
Felkner,  
Newell,  
Robertson,

Steele,  
Thornton,  
Walworth,  
Wilson.

Those who voted in the negative were,

Messrs. Barton,  
Brierly,  
Goddard,  
Hackleman,  
Hepner,

Jay,  
Lewis,  
McCulloch,  
McMillan,  
Rogers,

Sales,  
Swearingen,  
Speaker.

So the motion was lost; when,

On motion of Mr. Barton,

The bill was ordered to be engrossed and read a third time to-morrow.

No. 92, H. R. file, A bill to authorize the County Commissioners of Scott and Lee counties, to grant licences;

With the report of the committee to whom the same was referred, was taken up, and report concurred in; when,



On motion of Mr. Robertson,

The same was ordered to be engrossed and read a third time tomorrow, by yeas and nays;

Yeas 16; Nays 10.

Those who voted in the affirmative were,

Messrs. Blair,	McCulloch,	Swearingen,
Brierly,	McMillan,	Thornton,
Bunker,	Newell,	Walworth,
Goddard,	Robertson,	Wilson.
Jay,	Sales,	
Lewis,	Steele,	

Those who voted in the negative were,

Messrs. Andros,	Culbertson,	Rogers,
Barton,	Felkner,	Speaker.
Berry,	Hackleman,	
Briggs,	Hepner,	

The following message was received from the Council, by Mr. Fales, their Secretary:

Mr. Speaker—The Council have passed,

No. 97, H. R. file, An act to locate a Territorial road in Henry and Washington counties, and vacate a part of a Territorial road in said counties.

No. 118, H. R. file, An act to relocate a part of the Territorial road leading from Burlington to Iowa City.

No. 73, C. file, An act to organize, govern and discipline the militia.

No. 77, C. file, An act to regulate conveyances.

Also with amendments,

No. 115, H. R. file, A bill for the relief of the sureties of public officers in certain cases.

I herewith present for your signature,

An act for the limitation of actions and for avoiding vexatious law suits.

An act to vacate a part of the plat of the town of Port Allen, and to legalize the relocation of a part of a Territorial road.

An act concerning mortgages.

An act relative to the time of taking effect of the laws of the present session.

I herewith return

An act to authorize Thomas McCrany and Jas. Churchman to keep a ferry across the Mississippi river at Dubuque.



An act to define the duties of Territorial Agent and for other purposes.

The same having been signed by the President of the Council.

No. 56, C. file, An act to establish new counties and define their boundaries in the late cession from the Sac and Fox Indians, and for other purposes;

With the report of the committee, to whom the same was referred, was taken up, and considered separately.

The question being upon concurring in the 1st amendment of the committee, which was to strike out "Davis" and insert "Musquaquee;"

Upon which the yeas and nays were ordered;

Yeas 13; Nays 13.

Those who voted in the affirmative were,

Messrs. Andros,	Hackleman,	Thornton,
Barton,	McMillan,	Walworth,
Blair,	Newell,	Wilson.
Brierly,	Rogers,	Speaker.
Goddard,		

Those who voted in the negative were,

Messrs. Berry,	Hepner,	Robertson,
Briggs,	Jay,	Sales,
Bunker,	Lewis,	Steele,
Culbertson,	McCulloch,	Swearingen,
Felkner,		

So the motion was lost.

The question was then taken upon the amendments to the second and third sections, and agreed to.

The question was then taken upon the amendment to the 4th section;

Upon which a division of the question was called for.

And upon the question,

Shall the House strike out?

The yeas and nays were ordered;

Yeas 20, Nays 6.

Those who voted in the affirmative were,

Messrs. Andros,	Culbertson,	Newell,
Barton,	Felkner,	Robertson,
Berry,	Goddard,	Rogers,
Blair,	Hackleman,	Sales,
Brierly,	Hepner,	Walworth.
Briggs,	McCulloch,	Speaker.
Bunker,	McMillan,	

Those who voted in the negative were,



Messrs. Jay,  
Lewis,

Steele,  
Swearingen,

Thornton,  
Wilson.

So the motion was agreed.

The question was then taken upon inserting "Manaton;" put and agreed to.

The question was then taken upon agreeing to the amendments to the 5th section.

The yeas and nays were ordered;

Yeas 20, Nays 6.

Those who voted in the affirmative were,

Messrs. Andros,  
Barton,  
Berry,  
Blair,  
Brierly,  
Briggs,  
Bunker,

Felkner,  
Goddard,  
Hackleman,  
Hepner,  
McCulloch,  
McMillan,  
Newell,

Robertson,  
Rogers,  
Sales,  
Walworth,  
Wilson,  
Speaker.

Those who voted in the negative were,

Messrs. Culbertson,  
Jay,

Lewis,  
Steele,

Swearingen,  
Thornton.

So the motion was agreed to.

The amendments of the committee to the sixth, seventh, eighth, ninth and tenth sections, were then agreed to.

Mr. Barton then moved to amend the first section by striking out "Davis," and inserting "Massaaskuc."

Which was lost.

Mr. Rogers moved to amend the first section by striking out "Davis" and inserting "Seponoma;"

Upon which the yeas and nays were ordered;

Yeas 14; Nays 12.

Those who voted in the affirmative were,

Messrs. Andros,  
Barton,  
Blair,  
Brierly,  
Bunker,

Goddard,  
Hackleman,  
Jay,  
McMillan,  
Newell,

Rogers,  
Walworth,  
Wilson,  
Speaker.

Those who voted in the negative were,

Messrs. Berry,  
Briggs,  
Culbertson,  
Felkner,

Hepner,  
Lewis,  
McCulloch,  
Robertson,

Sales,  
Steele,  
Swearingen,  
Thornton.

So the amendment was agreed to; when,



On motion of Mr. Rogers,  
The 42d rule was suspended; and,  
The same read a second and third time, passed and title agreed to.

Mr. Walworth, from the select committee to whom was referred,  
No. 98, H. R. file, Joint resolution authorizing the Territorial Treasurer to disburse the money accruing to the Territory under the act of Congress, 4th of September, 1841;

Reported the same back to the House, with amendments;  
Which were concurred in.

Mr. Walworth moved  
That the same be engrossed and read a third time to-morrow.

Upon which the yeas and nays were ordered;  
Yeas 12, Nays 14.

Those who voted in the affirmative were,  
Messrs. Andros,                      Felkner,                      Rogers,  
                Berry                      Goddard,                      Sales,  
                Briggs,                      Hackleman,                      Walworth,  
                Bunker,                      Hepner,                      Speaker.

Those who voted in the negative were,  
Messrs. Barton,                      Lewis,                      Steele,  
                Blair,                      McCulloch,                      Swearingen,  
                Brierly,                      McMillan,                      Thornton,  
                Culbertson,                      Newell,                      Wilson,  
                Jay,                      Robertson,

So the motion was lost; when,  
On motion of Mr. Newell,  
The same was laid on the table.

No. 73, C. file, An act to organize, discipline and govern the militia.  
And,

No. 77, C. file, An act to regulate conveyances;  
Were read a first time.

No. 115, H. R. file, An act for the relief of securities of public officers  
in certain cases;

Being returned from the Council with amendments, was taken up,  
and amendments concurred in; when,

On motion of Mr. Barton,  
The House adjourned.



## TUESDAY MORNING, FEBRUARY 14, 1843.

The House met pursuant to adjournment.

Mr. Felkner presented the account of F. H. Lee; which,

On motion of Mr. Felkner,

Was referred to the committee on expenditures.

Mr. Hackleman on leave granted introduced

No. 126, H. R. file, Joint resolution relative to the preparation, indexing and distribution of the revised statutes;

Which was read a first time; and,

On motion of Mr. Wilson,

The same was referred to the committee on expenditures.

Mr. Wilson, from the committee on township and county boundaries, to whom was referred the petition of citizens of the attached part of Washington county, lying south of Skunk river, asking to be attached to Jefferson county, for judicial purposes, have had the same under consideration, and believe it to be inexpedient to grant the prayer of said petitioners, and asked to be discharged from the further consideration of the subject.

Mr. Briggs, from the committee on enrolled bills, have examined

An act organizing a Board of County Commissioners in each county.

An act to legalize the acts of certain road commissioners in Washington county.

An act to relocate the county seat of Clayton county.

An act to relocate a part of the Territorial road leading from Burlington to Iowa City.

An act to locate a Territorial road in Henry and Washington counties, and vacate a part of a Territorial road in said counties.

An act for the relief of securities of public officers in certain cases.  
And find the same to be correctly enrolled.

Mr. Hepner, from the committee on expenditures, to whom was referred

No. 123, H. R. file, Joint resolution allowing pay to Peter Conboy;  
And,

No. 76, C. file, Joint resolution for the relief of the estate of James M. Hawkins, deceased.



Reported the same back to the House and recommended their indefinite postponement.

Mr. Lewis, on leave granted, introduced  
No. 127, H. R. file, A bill to amend an act entitled an act to allow and regulate the action of right and the action of ejectment;

Which was read a first time; when,

On motion of Mr. Lewis,

The 42d rule was suspended and the same read a third time; and,

On motion of Mr. Lewis,

The same was referred to a select committee of one from each electoral district.

The Chair appointed Messrs. Lewis, Andros, Berry, Brierly, Bunker, Culbertson, Felkner, Goddard, Hackleman and Jay, said committee.

Mr. Lewis, on leave granted, introduced

No. 128, H. R. file, A bill to legalize the acts of William Stanly, administrator, and Mary Duvalt, (late Mary Jackson,) administratrix of the estate of Lemuel G. Jackson, deceased, and all of Van Buren county;

Was read a first time; when,

On motion of Mr. Lewis,

The 42d rule was suspended and the same read a second and third time.

Mr. Rogers moved

To amend the title of the same by adding, "all of Van Buren county;"

Which was agreed to.

The question was then taken upon the passage of the bill;

Put, carried and title agreed to.

No. 122, H. R. file, A bill to legalize the acts of James M. Denson, an acting Justice of the Peace, in and for Linn county;

Was read a second time; when,

On motion of Mr. Berry,

The 42d rule was suspended, and the same read a second and third time, passed and title agreed to.

Mr. Barton asked and obtained leave of absence for Messrs. Morgan and Culbertson.

Mr. Newell asked and obtained leave of absence for Mr. Sales.

The following message was then received from the Governor, by Mr. Stull:

EXECUTIVE DEPARTMENT,

Iowa City, 14th of February, 1843. }

I return to the House of Representatives in which it originated, a bill entitled "an act to divorce certain persons therein named," with my objections to it.



This bill provides for divorcing no less than nineteen couples, who have been lawfully joined in marriage. It proposes to rend assunder the most sacred ties by which members of the human family can become connected, deeply involving in the consequences, the unoffending offspring of those marriages, and leaving them to the mortifying consciousness that one of those to whom they owe their existence, stands branded by a grave and solemn act of legislation, as being unworthy of the relation in which they stand to each other.

At an early period of the present session, the House of Representatives adopted a resolution, declaring in effect that it was inexpedient to pass laws annulling the bonds of matrimony, which I believe remains unrevoked, otherwise than by the passage of this bill. Hence it is reasonable to presume that those against whom such applications for legislative interposition, was contemplated, if they happened to have notice of them, were thrown completely off their guard and rested satisfied that no such legislation would be countenanced by that body, at the present session. Since the adoption of that resolution, an act has passed both branches of the Legislature, and has become a law, declaring the causes for which divorces shall be decreed by the courts, and prescribing the manner of proceeding in such cases. This act seems to me, to embrace all the ordinary causes for which divorces are usually demanded. It makes provision for hearing the parties, and gives those against whom causes of divorce are alleged, an opportunity of demanding legal and competent truth of such allegations.

If to the dissolution of a connection so important, by a decree of your courts, it is deemed proper to give the party accused an opportunity to be heard, and to guard against the danger of injustice, from an ex parte proceeding, why are those safe guards to fairness and justice less necessary, when the same result is to be produced by an act of legislation? Why not summon the individuals whose rights are to be effected by your acts? Why not give them an opportunity to cross examine the witnesses upon whose evidence their most important interests are to be decided, and upon which, in most cases, their future respectability and standing in society is to depend.

There is an intrinsic cruelty, as well as manifest injustice, in releasing a man from the solemn obligation entered into at the altar, to "love and cherish" a helpless and confiding woman, and at the same time to stigmatize her as unworthy to claim the performance of the contract, without even granting her the privileges secured by the constitution and laws of every free country, to persons accused of the most trivial offences, of being "informed of the nature and cause of the accusation" and of being heard by themselves and their counsel.

It is held by many whose opinions are entitled to respect, that the obligations contracted by husband and wife, on being united in marriage, are of that description which were intended to be protected by that provision of the Constitution of the United States, which pro-



hibits to the several States, the enactment of any law "impairing the obligation of contracts;" but whether they constitute a CONTRACT within the meaning of the expression as used in the Constitution, or not, it must be conceded that the undertaking is of at least as high import to the parties, and of more interest to those connected with them, and to society in general, than any contract merely effecting pecuniary matters, and ought not therefore to be abrogated or "impaired," but upon the clearest evidence of necessity, and upon the fullest opportunity given, of thorough investigation in the presence of the parties or their specially authorized representatives.

The theory of our government teaches, that the most perfect security to liberty and to individual rights, is to be found in the distribution of its powers among three distinct bodies of magistracy, and the confinement of each within the sphere prescribed by the Constitution for its action. I submit then, that the concurrent exercise of the power to dissolve the bonds of matrimony, by the legislative and judicial departments, is a departure, and a dangerous one, from the principles of our government and ought to cease. If the powers conferred by law upon the judiciary, are found too limited, let them be enlarged; still securing to the parties implicated, the unalienable and invaluable right of defending themselves, and of demanding the production of legal and competent evidence against them, before sentence of divorce is pronounced.

I have heretofore given a reluctant approval to acts affecting individual cases of this kind, but more mature reflection and an examination of our statute books, in connection with this bill, satisfies me that too much facility and encouragement has been given to applications for legislative interposition in such cases, and that it will be more safe and more consistent with the principles of our government to leave them to judicial action, than to continue to legislate for each particular case.

JOHN CHAMBERS.

On motion of Mr. Lewis,

The same was ordered to lie on the table.

No. 73, C. file, An act to organize, discipline and govern the militia.

Was read a second time; when,

On motion of Mr. Newell,

The same was referred to the committee on military affairs.

No. 77, C. file, An act to regulate conveyances;

Was read a second time; when,

On motion of Mr. Rogers,

The 42d rule was suspended; and,

The same read a third time, passed and title agreed to.

The following message was received from the Council, by Mr. Fales, their Secretary:



Mr. Speaker—The Council have passed,

No. 119, H. R. file, An act to locate a Territorial road from a certain point on the Territorial road leading from Bloomington to Iowa City, and to the rapids on Cedar river.

No. 82, C. file, An act authorizing Daniel Smead & C. W. Hughes, to sell certain real estate.

No. 124, H. R. file, An act to locate a Territorial road in Louisa and Washington counties.

The Council have concurred in all the amendments made by the House, to

No. 64, C. file, An act defining crimes and punishments;

Except that made in the second line of the 36th section, to which they have disagreed.

The Council have disagreed to all the amendments made by the House, to

No. 56, C. file, An act to establish new counties and define their boundaries in the late cession from the Sac and Fox Indians, and for other purposes.

The act to divorce certain persons therein named, being returned from the Governor with his objections thereto, was taken up;

And upon the question,

Shall the bill pass by a constitutional majority?

The yeas and nays were ordered;

Yeas 16; Nays 7.

Those who voted in the affirmative were,

Messrs. Andros,  
Barton,  
Berry,  
Brierly,  
Briggs,  
Felkner,

Goddard,  
Hackleman,  
Hepner,  
Lewis,  
McCulloch,

Newell,  
Rogers,  
Steele,  
Swearingen,  
Thornton.

Those who voted in the negative were,

Messrs. Blair,  
Bunker,  
Jay,

McMillan,  
Robertson,  
Walworth,  
Wilson,

So the bill passed.

No. 65, C. file, An act defining the number of copies of the laws of the present session to be published, and the mode of their distribution.

Being returned from the Council with amendments, the same were concurred in; when,

On motion of Mr. McMillan,

The same was ordered to be engrossed and read a third time tomorrow.



No. 43, H. R. file, An act allowing the holders of a charter to erect a dam across the Des Moines river, &c.;

Being returned from the Council with amendments, the same were concurred in; when,

On motion of Mr. Lewis,

The 42d rule was suspended; and,

The same read a third time, passed and title agreed to.

Mr. Barton, from the committee on engrossed bills, have examined No. 92, H. R. file, A bill to authorize the Board of County Commissioners of Scott and Lee counties, to grant licenses to Pilots, &c.;

And,

No. 112, H. R. file, An act regulating marriages;

And find the same to be correctly engrossed.

No. 92, H. R. file, A bill to authorize the Board of County Commissioners of Scott and Lee counties to grant licenses;

Was read a third time; and,

Upon the question of the passage of the same, the yeas and nays were ordered;

Yeas 14; Nays 7.

Those who voted in the affirmative were,

Messrs. Barton,

Blair,

Brierly,

Bunker,

Goddard,

Jay,

Lewis,

McCulloch,

McMillan,

Newell,

Robertson,

Steele,

Swearingen,

Thornton.

Those who voted in the negative were,

Messrs. Andros,

Berry,

Briggs,

Felkner,

Hackleman,

Hepner,

Rogers.

So the bill passed and title was agreed to.

The following message was received from the Council, by Mr. Fales, their Secretary:

Mr. Speaker—The Council have passed,

No. 62, C. file, An act to prevent injury by dogs;

And,

No. 81, C. file, Joint resolution for the relief of Andrew Logan.

The Council have indefinitely postponed

No. 103, H. R. file, An act to relocate a part of the Territorial road from Davenport to Marion;

Also,

No. 108, H. R. file, An act for the organization of County Medical Societies and to regulate the practice of physic and surgery.

I herewith present for your signature,



An act authorizing the several Boards of County Commissioners, to grant permits for constructing dams across navigable rivers.

The report of the committee on expenditures was taken up, and,

On motion of Mr. Felkner,

No. 76, C. file, A joint resolution for the relief of the estate of Jas. M. Hawkins, deceased.

Was laid on the table.

The House then considered

No. 123, H. R. file, Joint resolution allowing pay to Peter Conboy.

Mr. Felkner moved

To amend the same by striking out "twelve dollars," and inserting "eight;"

Which was lost; when,

On motion of Mr. Hepner,

The same was indefinitely postponed.

On motion of Mr. Rogers,

The House adjourned.

## TWO O'CLOCK, P. M.

No. 64, C. file, An act defining crimes and punishments; Being returned from the Council with their disagreement to the amendment of the House to the 36th section of said bill.

On motion of Mr. Rogers,

The House receded from said amendment.

No. 112, H. R. file, An an regulating marriages;

Was read a third time; and,

On the passage of the bill, the yeas and nays were ordered.

Yeas 13, Nays 9.

Those who voted in the affirmative were,

Messrs. Barton,

Blair,

Brierly,

Culbertson,

Goddard,

Hackleman,

Hepner,

Lewis,

McCulloch,

McMillan,

Rogers,

Swearingen,

Speaker.

Those who voted in the negative were,

Messrs. Berry,

Briggs,

Bunker,

Felkner,

Newell,

Steele,

Thornton,

Walworth,

Wilson.



So the bill passed and the title was agreed to.

No. 82, C. file, A bill authorizing Daniel Smead and Clayton W. Hughes to sell certain real estate;

Was read a first time.

Mr. McMillan moved

That the 42d rule be suspended and the bill be read a second time;

Which was agreed to.

On motion of Mr. McMillan,

The same was referred to the delegation from Henry county.

No. 56, C. file, An act to establish new counties and define their boundaries in the late cession from the Sac and Fox Indians, and for other purposes;

Being returned from the Council with their disagreement to the amendments of the House to said bill; when,

On motion of Mr. Barton,

The House insisted upon their amendments.

No. 62, C. file, An act to prevent injury by dogs;

Was read a first time; and,

On motion of Mr. Wilson,

The 42d rule was suspended; and,

The bill read a second time.

Mr. Newell moved that the same be indefinitely postponed;

Upon which question the yeas and nays were ordered;

Yeas 9, Nays 16.

Those who voted in the affirmative were,

Messrs. Barton,

Blair,

Briggs,

Bunker,

Hepner,

Newell,

Rogers,

Wilson,

Speaker.

Those who voted in the negative were,

Messrs. Andros,

Berry

Brierly,

Culbertson,

Felkner,

Goddard,

Hackleman,

Jay,

Lewis,

McCulloch,

McMillan,

Robertson,

Steele,

Swearingen,

Thornton,

Walworth.

So the motion was lost.

Mr. Newell moved to refer the bill to a select committee of one from each electoral district.

Mr. Barton moved to amend by instructing said committee to report the bill back and recommend its indefinite postponement.

Which was lost.

The question was then taken upon referring the bill, and agreed to; and,



The Chair appointed Messrs. Newell, Blair, Briggs, Culbertson, Jay, McCulloch, Robertson, Swearingen, Thornton and Walworth.

On motion of Mr. Lewis,  
The House adjourned.

WEDNESDAY MORNING, FEBRUARY 15, 1843.

The House met pursuant to adjournment.

The following message was then received from the Council, by their Secretary, Mr. Fales:

Mr. Speaker—The Council have passed  
No. 36, C. file, An act to allow and regulate the action of ejectment;  
In which the concurrence of the House is requested.

Mr. Briggs presented the petition of sundry citizens of Charleston, Iowa, in relation to a certain ferry charter; which,

On motion of Mr. Briggs,  
Was referred to the committee on incorporations.

Mr. Andros presented the account of John H. McKinney; which,

On motion of Mr. Andros,  
Was referred to the committee on expenditures.

Mr. Lewis from the committee to whom was referred  
No. 127, H. R. file, An act to amend an act entitled an act to allow and regulate the action of right and ejectment;

Reported the same back to the House with amendments and requested its passage.

Mr. Briggs, from the committee on enrolled bills, have examined  
An act to locate a Territorial road in Louisa and Washington counties.

And,

An act to locate a certain Territorial road therein named;

And find the same to be correctly enrolled.

Mr. McMillan, from the committee to whom was referred

No. 82, C. file, An act authorizing Daniel Smead and Clayton W. Hughes to sell certain real estate;

Reported the same back to the House with the following amendments:



Insert after the word "holders" in the 4th line of the second section, the following: "To be appointed by the Probate Judge."

Strike out the words "two thirds" in the 14th line of the 2d section, and insert "the full amount."

No. 127, H. R. file, A bill to amend an act entitled an act to allow and regulate the action of ejectment;

Being reported back to the House with amendments, by the committee to whom the same was referred;

Was taken up, and amendments concurred in; when,

On motion of Mr. Lewis,

The 42d rule was suspended and the same read a third time, passed and title agreed to.

No. 82, C. file, An act authorizing Daniel Smead and Clayton W. Hughes, to sell certain real estate;

With the report of the committee to whom the same was referred;

Was taken up, and said report concurred in; when,

On motion of Mr. Newel,

The same was ordered to lie on the table.

No. 65, C. file, An act defining the number of copies of the Laws of the present session to be published, and the mode of their distribution.

Was read a third time, passed and title agreed to.

No. 81, C. file, Joint resolution for the relief of Andrew Logan;

Was read a first time.

No. 36, C. file, An act to allow and regulate the action of ejectment;

Was read a first time.

On motion of Mr. Lewis,

The 42d rule was suspended and the same read a second time; when,

On motion of Mr. McMillan,

The bill was referred to the committee on the judiciary.

Mr. Felkner presented the account of the Post Master.

Mr. Felkner moved to refer the same to the committee on expenditures.

Mr. Hepner moved to amend the motion by instructing said committee, to require the Post Master to make oath as to the correctness of said account.

Upon which the yeas and nays were ordered;

Yeas 24; Nays 2.

Those who voted in the affirmative were,



Messrs. Barton,  
Berry,  
Blair,  
Brierly,  
Briggs,  
Bunker,  
Culbertson,  
Goddard,

Hackleman,  
Hepner,  
Jay,  
Lewis,  
McCulloch,  
McMillan,  
Newell,  
Robertson,

Rogers,  
Sales,  
Steele,  
Swearingen,  
Thornton,  
Walworth,  
Wilson.  
Speaker.

Those who voted in the negative were,  
Messrs. Andros, Felkner.

So the amendment was agreed to.

The question was then taken upon the motion to refer, put and agreed to.

Mr. Felkner presented the petition of John Hawkins, relative to unpaid postage of last year.

Mr. Felkner moved to take from the table,

No. 76, C. file, Joint resolution for the relief of the estate of James M. Hawkins, deceased.

Which was agreed to; when,

On motion of Mr. Felkner,

The 42d rule was suspended; and,

The same read a third time, passed and title agreed to.

Mr. Newell, from the select committee, to whom was referred, No. 62, C. file, An act to prevent injury by dogs;

Reported the same back to the House with an amendment;

Which was agreed to; when,

On motion of Mr. Andros,

The 42d rule was suspended; and,

The same read a third time, passed and title agreed to.

Mr. Hepner, from the select committee, to whom was referred,

No. 126, H. R. file, Joint resolution relative to the preparation, indexing and distribution of the revised statutes;

Reported a substitute for the same;

Which was read a first time.

Mr. McMillan moved to amend the 6th line of the 1st section by inserting after the word "revised," the words "or ordered to be reprinted."

Which motion was agreed to.

The question was then taken upon the adoption of the substitute, put and agreed to.

Mr. Andros moved to amend the second section by inserting the following:



Provided, nothing in these resolutions shall be so construed as to authorize the payment of any of the expenses included incurred by the passage of the above resolutions, to be paid out of the Territorial Treasury.

Which was agreed to.

Mr. Rogers moved

To amend the 4th line of the 1st section, by striking out the word "required" and inserting the word "authorized;"

Which was agreed to.

The question was then taken upon the adoption of the 1st section, by yeas and nays;

Yeas 23, Nays 3.

Those who voted in the affirmative were,

Messrs. Andros,	Felkner,	Sales,
Barton,	Hackleman,	Steele,
Berry,	Hepner,	Swearingen,
Blair,	Lewis,	Thornton,
Brierly,	McCulloch,	Walworth.
Briggs,	McMillan,	Wilson,
Bunker,	Rogers,	Speaker.
Culbertson,	Robertson,	

Those who voted in the negative were,

Messrs. Goddard,	Jay,	Newell.
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So the 1st resolution was adopted.

The question was then taken upon the adoption of the second resolution, by yeas and nays.

Yeas 26; Nays 0.

Those who voted in the affirmative were,

Messrs. Andros,	Goddard,	Rogers,
Barton,	Hackleman,	Sales,
Berry,	Hepner,	Steele,
Blair,	Jay,	Swearingen,
Brierly,	Lewis,	Thornton,
Briggs,	McMillan,	Walworth,
Bunker,	McCulloch,	Wilson,
Culbertson,	Newell,	Speaker.
Felkner,	Robertson,	

So the second resolution was unanimously adopted.

Mr. Barton on leave granted introduced

No. 127, H. R. file, An act to repeal the proviso to the 6th section of an act regulating marriages;

Which was read a first time.

The following message was received from the Council, by their Secretary, Mr. Fales:



Mr. Speaker—The Council have passed

No. 122, H. R. file, An act to legalize the acts of James M. Denson, an acting Justice of the Peace, in and for Linn county.

No. 43, H. R. file, An act allowing the holders of a charter to erect a dam across the Des Moines, at Bentonsport, &c.

No. 128, H. R. file, An act to legalize the acts of Wilson Stanley, administrator, and Mary Duvalt, administratrix, of the estate of Lemuel G. Jackson.

The Council have laid on the table until the 4th day of July, next No. 112, H. R. file, An act regulating marriages.

The Council insist on their disagreement to the amendment of the House, to

N. 56, C. file, An act to establish new counties, &c.;

And have appointed Messrs. Teas, Cox and Wallace a committee of conference in relation thereto.

The Council have also passed without amendment

No. 52, H. R. file, An act to prevent damage by the firing of prairies.

I herewith present for your signature,

An act regulating the salary of the Auditor of Public Accounts and Treasurer.

An act regulating ferries.

On motion of Mr. Walworth,

The House adjourned.

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## TWO O'CLOCK, P. M.

No. 56, C. file, An act to establish new counties and define their boundaries in the late cession of the Sac and Fox Indians, and for other purposes;

Being returned from the Council, the Council insisting upon her disagreeing vote, to the amendments of the House to the same;

Was taken up; when,

On motion of Mr. Barton,

A committee of conference was appointed on the part of the House to confer with a similar committee to be appointed on the part of the Council, in relation to the disagreeing vote of the two Houses upon the same.



The Chair appointed Messrs. Barton, Felkner and Berry, said committee.

Mr. Rogers moved a call of the House, which was had, and absent members sent for; when,

On motion of Mr. Rogers,

The further call of the House was suspended.

Mr. Rogers, from the committee on the Judiciary, to whom was referred

No. 36, C. file, An act to allow and regulate the action of ejectment;

Reported the same back to the House without amendment, and recommended its passage; when,

On motion of McMillan,

The 42d rule was suspended; and,

The same read a third time, passed and title agreed to.

No. 120, H. R. file, Joint resolution relative to the repayment of the fine imposed upon General Jackson;

Was considered in committee of the whole, Mr. Felkner in the chair; and,

After some time spent therein, the committee rose, and by their chairman reported the same back to the House with an amendment;

Which was agreed to.

Mr. Walworth moved

To amend by inserting the following after the third resolution of the same :

Provided, That nothing contained in these resolutions shall be so construed as to reflect any disrespect upon the conduct and decision of Judge Hall, in imposing said fine.

Pending which,

Mr. Lewis moved to adjourn;

Which motion was lost.

The question was then taken upon the adoption of the proviso, by yeas and nays.

Yeas 12, Nays 14.

Those who voted in the affirmative were,

Messrs. Blair,	McMillan,	Steele,
Bunker,	Newell,	Thornton,
Jay,	Robertson,	Walworth,
Lewis,	Sales,	Wilson.

Those who voted in the negative were,

Messrs. Andros,	Culbertson,	McCulloch,
Barton,	Felkner,	Rogers,
Berry,	Goddard,	Swearingen,
Brierly,	Hackleman,	Speaker.
Briggs,	Hepner,	



So the motion was lost.

Mr. Walworth moved

To amend the third resolution by inserting the following:

Provided, That the provisions of this resolution shall not be so construed, as to express any opinion in relation to the conduct or decision of Judge Hall in imposing said fine.

Upon which the yeas and nays were ordered;

Yeas 12, Nays 14.

Those who voted in the affirmative were,

Messrs. Blair,	McMillan,	Steele,
Bunker,	Newell,	Thornton,
Jay,	Robertson,	Walworth,
Lewis,	Sales,	Wilson.

Those who voted in the negative were,

Messrs. Andros,	Culbertson,	McCulloch,
Barton,	Felkner,	Rogers,
Berry,	Goddard,	Swearingen,
Brierly,	Hackleman,	Speaker.
Briggs,	Hepner,	

So the motion was lost.

Mr. Wilson moved to adjourn;

Which motion was lost.

Mr. Rogers moved to suspend the 42d rule, and that the same be read a third time now;

Upon which the yeas and nays were ordered;

Yeas 17; Nays 9.

Those who voted in the affirmative were,

Messrs. Andros,	Felkner,	Robertson,
Barton,	Goddard,	Rogers,
Berry,	Hackleman,	Steele,
Brierly,	Hepner,	Swearingen,
Briggs,	Lewis,	Speaker.
Culbertson,	McCulloch,	

Those who voted in the negative were,

Messrs. Blair,	McMillan,	Thornton,
Bunker,	Newell,	Walworth,
Jay,	Sales,	Wilson.

So the motion was lost.

Mr. Sales moved to adjourn;

Which motion was lost.

Mr. Rogers moved that the resolution be engrossed and read a third time to-morrow.



Upon which motion the yeas and nays were ordered;  
Yeas 16, Nays 10.

Those who voted in the affirmative were,

Messrs. Andros,	Felkner,	McCulloch,
Barton,	Goddard,	Rogers,
Berry	Hackleman,	Swearingen,
Brierly,	Hepner,	Walworth,
Briggs,	Lewis,	Speaker.
Culbertson,		

Those who voted in the negative were,

Messrs. Blair,	Newell,	Steele,
Bunker,	Robertson,	Thornton,
Jay,	Sales,	Wilson.
McMillan,		

So the motion was agreed to.

The following message was received from the Council, by their Secretary, Mr. Fales:

Mr. Speaker—The Council have passed,  
No. 84, C. file, Joint resolution relative to the printing of the laws.

No. 85, C. file, An act to amend the several acts therein named.

I herewith present for your signature,  
An act regulating conveyances.

I also return two enrolled bills;  
The same being signed by the President of the Council.

On motion of Mr. Newell,  
The House adjourned.

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#### THURSDAY MORNING, FEBRUARY 16, 1843.

The House met pursuant to adjournment.

Mr. McMillan, from the select committee, to whom was referred No. 73, C. file, An act to organize, discipline and govern the militia; Have had the same under consideration and recommend its indefinite postponement.

Which was agreed to.



Mr. Barton, from the committee on engrossed bills, have examined No. 120, H. R. file, Joint resolution relative to the repayment of the fine imposed upon General Jackson.

And find the same to be correctly engrossed.

Mr. Briggs, from the committee on enrolled bills, have examined An act to legalize the acts of Wilson Stanly, administrator, and Mary Duvalt, (late Mary Jackson,) administratrix, of the estate of Lemuel G. Jackson, deceased, and all of Van Buren county.

An act allowing the holders of a charter to erect a dam across the Des Moines, at Bentonsport, further time; and to vacate a portion of the town of Bentonsport.

An act to legalize the acts of James M. Denson, an acting Justice of the Peace, in and for Linn county;

And find the same to be correctly enrolled.

The following message was received from the Council, by Mr. Fales, their Secretary:

Mr. Speaker—I herewith present for your signature

An act defining the number of copies of the laws of the present session to be published.

An act to prevent injury by dogs.

An act to allow and regulate the action of ejectment.

An act defining crimes and punishments.

Joint resolution for the relief of the estate of James M. Hawkins, deceased.

I herewith return

An act to locate a Territorial road in Louisa and Washington counties.

The same being signed by the President of the Council.

Mr. Hepner, from the committee on expenditures, reported No. 130, H. R. file, A bill to provide for the compensation of members, officers, printers of the Legislative Assembly, and for other purposes;

Which was read a first time; when,

On motion of Mr. Hepner,

The 42nd rule was suspended; and,

The same read a second time; and,

On motion of Mr. Hepner,

The same was considered in committee of the whole, Mr. Rogers in the Chair; and,

After some time spent therein, the committee rose, and, by their chairman, reported the same back to the House without amendment;

Which was agreed to; when,



On motion of M. McCulloch,

The 42d rule was suspended; and,

The same read a third time, passed and title agreed to.

Mr. Berry, from the committee on corporations to whom was referred

The petition and remonstrance of citizens of Charleston and vicinity, praying for an act to be passed, granting the exclusive privilege to C. G. Eldrige to keep a ferry across the Mississippi river, at Charleston;

Have had the same under consideration, and have come to the conclusion, that it is inexpedient to grant the prayer of said petitioners; and asked to be discharged from any further consideration of the subject.

Mr. Lewis, from the committee on enrolled bills, reported that they had laid before the Governor, on the 15th instant for his approval:

An act organizing a Board of County Commissioners in each county.

An act for the relief of the securities of public officers in certain cases.

An act to legalize the acts of certain road commissioners, in Washington county.

An act to locate a Territorial road in Henry and Washington counties, and vacate a part of a Territorial road in said counties.

An act to relocate a part of the Territorial road leading from Burlington to Iowa City.

An act to relocate the county seat of Clayton county.

Also on the 16th instant:

An act to locate a Territorial road from a certain point on the Territorial road leading from Bloomington to Iowa City, to the rapids on Cedar river.

Mr. Berry, from the committee on corporations, to whom was referred the petition of sundry citizens of Scott county, praying for the privilege to be granted to Vanausdal & Fulton, to dam the waters of the Mississippi river between Fulton Island and the main shore in this Territory, have had the same under consideration, and came to the conclusion, that it is inexpedient at this time to grant the prayer of said petitioners, and asked to be discharged from the further consideration of the same.

Mr. Briggs then asked and obtained leave to withdraw said petition and remonstrance.



No. 129, H. R. file, An act to repeal the proviso to the 6th section of an act regulating marriages;  
Was read a second time.

Mr. McMillan moved that the same be indefinitely postponed;  
Pending which,

Mr. Lewis moved to suspend the 42d rule; and,  
That the same be read a third time now;  
Which was lost.

The question was then taken upon the indefinite postponement of the same.

The yeas and nays were ordered;  
Yeas 11, Nays 12.

Those who voted in the affirmative were,

Messrs. Blair,	Jay,	Steele,
Bunker,	Lewis,	Swearingen,
Felkner,	McMillan,	Thornton.
Goddard,	Robertson,	

Those who voted in the negative were,

Messrs. Andros,	Briggs,	McCulloch,
Barton,	Culbertson,	Rogers,
Berry,	Hackleman,	Sales,
Brierly,	Hepner,	Speaker.

So the motion was lost.

Mr. Hepner then moved that the same be engrossed and read a third time to-morrow.

Which motion was lost.

Mr. Briggs, from the committee on enrolled bills, reported that they had examined

An act to prevent damages by the firing of prairies.  
And find the same to be correctly enrolled.

No. 120, H. R. file, Joint resolution relative to the repayment of the fine imposed upon General Jackson;  
Was read a third time.

Mr. Andros moved to amend the same by adding the following:

Resolved, That we believe the fine imposed by Judge Hall on Gen. Jackson, was uncalled for by the circumstances of the case, and was an act of injustice to the veteran hero, savoring of the spirit of vindictiveness and jealousy.

Mr. Andros asked leave to withdraw the same.

Upon which the yeas and nays were ordered;  
Yeas 18; Nays 5.

Those who voted in the affirmative were,



Messrs. Andros,  
Barton,  
Berry,  
Brierly,  
Briggs,  
Culbertson,

Felkner,  
Goddard,  
Hackleman,  
Hepner,  
Lewis,  
McCulloch,

Robertson,  
Rogers,  
Steele,  
Swearingen,  
Thornton,  
Speaker.

Those who voted in the negative were,  
Messrs. Blair,  
Bunker,

Jay,  
McMillan,

Sales.

So leave was granted.

Mr. Lewis moved to amend by adding the following to the same:  
"Resolved further, That the present Legislative Assembly pay Gen. Jackson back the fine imposed on him by Judge Hall, and that each member of this Legislature pay his proportional part to the Chief Clerk of this House for that purpose."

Mr. Hackleman moved to amend the amendment by inserting the following thereto:

"Provided, The gentleman from Van Buren be employed to carry the same to General Jackson, and deliver the same without any compensation."

Which motion was lost.

The question was then taken upon the original amendment;

The yeas and nays were ordered;

Yeas 1; Nays 22.

Those who voted in the affirmative were,  
Mr. Lewis.

Those who voted in the negative were,

Messrs. Andros,  
Barton,  
Berry,  
Blair,  
Brierly,  
Briggs,  
Bunker,  
Culbertson,

Felkner,  
Goddard,  
Hackleman,  
Hepner,  
Jay,  
McCulloch,  
McMillan,

Robertson,  
Rogers,  
Sales,  
Steele,  
Swearingen,  
Thornton,  
Speaker.

So the amendment was lost.

The question was then taken upon the passage of the resolution, by yeas and nays.

Yeas 19; Nays 4.

Those who voted in the affirmative were,

Messrs. Andros,  
Barton,  
Berry,

Felkner,  
Goddard,  
Hackleman,

Sales,  
Steele,  
Swearingen,



Blair,  
Brierly,  
Briggs,  
Culbertson,

Hepner,  
Lewis,  
McCulloch,  
Rogers,

Thornton,  
Speaker.

Those who voted in the negative were,  
Messrs. Bunker,                      McMillan,  
Jay,

Robertson.

So the resolutions passed.

No. 81, C. file, Joint resolution for the relief of Andrew Logan.

Was read a second time; when,

On motion of Mr. Sales,

The same was referred to a select committee, with instructions to report during the afternoon of the present day;

Which was agreed to.

The Chair appointed Messrs. Sales, Robertson and Hepner, said committee.

No. 84, C. file, Joint resolution relative to the reprinting of the laws;

Was read a first time; when,

On motion of Mr. McMillan,

The 42d rule was suspended; and,

The same read a second time.

Mr. McMillan then moved

To amend the amendment, by inserting the words "except the militia laws and the laws revised at the present session," after the close of the last section of the same.

Mr. Hepner moved

To amend said motion so as to exclude the "militia law," in said motion;

Which was agreed to.

The amendment as amended was then agreed to; when,

On motion of Mr. McMillan,

The 42d rule was suspended; and,

The same read a third time, passed and title agreed to.

No. 85, C. file, An act to amend the several acts therein named;

Was read a first time; when,

On motion of Mr. McMillan,

The 42d rule was suspended; and the same read a second time; and,

On motion of Mr. Rogers,

All relating to the organization of townships, was stricken out.

Mr. Briggs moved

To suspend the 42d rule, so that the same be read a third time now;

Upon which the yeas and nays were ordered;

Yeas 16; Nays 5.



Those who voted in the affirmative were,

Messrs. Barton,	Felkner,	Sales,
Berry,	Jay,	Steele,
Blair,	Lewis,	Swearingen,
Brierly,	McMillan,	Thornton.
Bunker,	Robertson,	
Culbertson,	Rogers,	

Those who voted in the negative were,

Messrs. Briggs,	Hepner,	Speaker.
Hackleman,	McCulloch,	

So the motion was agreed to; and,

The same read a third time, passed and title agreed to.

The following message was then received from the Council, by their Secretary, Mr. Fales:

Mr. Speaker—The Council have passed

No. 43, C. file, An act to incorporate the Muscatine Farmers' and Mechanics' Exchange Company.

No. 126, H. R. file, Joint resolution relative to the preparation, indexing and distribution of the revised statutes;

Also, with amendments

No. 121, H. R. file, An act allowing and regulating writs of attachment.

No. 127, H. R. file, An act to amend an act entitled an act to allow and regulate the action of right and the action of ejectment;

In which the concurrence of the House is requested.

The Council have passed

No. 86, C. file, Joint resolution extending the time required to deliver the general laws of the present session.

On motion of Mr. Bunker,

The House adjourned.

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## TWO O'CLOCK, P. M.

No. 43, C. file, An act to incorporate the Muscatine Farmers' and Mechanics' Exchange Company;

Was read a first time; and,

On motion of Mr. Thornton,

The 42d rule was suspended, and the same read a second time; when,



On motion of Mr. Rogers,  
The same was indefinitely postponed.

No. 121, H. R. file, An act allowing and regulating writs of attachment;

And,

No. 127, H. R. file, An act to amend an act entitled an act to allow and regulate the action of ejectment;

Being returned from the Council with amendments, were taken up, and amendments concurred in.

No. 86, C. file, Joint resolution extending the time required to deliver the general laws of the present session;

Was read a first time; when,

On motion of Mr. McMillan,

The 42d rule was suspended; and,

The same read a second and third time and passed.

Mr. Briggs, from the committee on enrolled bills, have examined Joint resolution relative to the preparation, indexing and distributing of the revised statutes of the Territory;

And find the same to be correctly enrolled.

Mr. Sales, from the select committee to whom was referred No. 81, C. file, Joint resolution for the relief of Andrew Logan;

Reported the same back to the House; when,

On motion of Mr. Barton,

The same was laid on the table.

The following message was then received from the Council, by their Secretary, Mr. Fales:

Mr. Speaker—The Council have passed

No. 88, C. file, An act to amend the several acts providing for the erection of the Penitentiary.

No. 88, C. file, An act to amend the several acts providing for the erection of the Penitentiary;

Was read a first time; when,

On motion of Mr. McCulloch,

The 42d rule was suspended; and,

The same read a second and third time, passed and title agreed to.

Mr. Briggs, from the committee on enrolled bills, have presented to the Governor for his signature, to day:

An act to locate a Territorial road in Louisa and Washington counties.

Mr. Felkner, from the committee of conference, to whom was referred

No. 56, C. file, An act to establish new counties and define their



boundaries in the late cession from the Sac and Fox Indians, and for other purposes;

Have instructed me to report, that the House recede from the amendment made to the 1st section, and adhere to the amendment made to the second and third sections, and amend the amendment of the fourth section by striking out "Manitan" and inserting "Kishkekosh," and agree with the amendment made by the House to the 5th section, and also the amendment made by the House to the sixth section. The House also recede from the amendment to the 7th section, and adhere to the amendment to the 8th section; also amend the 9th section by striking out "Moquoketa" and inserting "Benton;" also the 10th section by striking out "Tecumseh" and inserting "Tama."

Mr. Rogers moved that the House concur in said report;

Which motion was put and agreed to; when,

On motion of Mr. Barton,

The House adjourned until 7 o'clock, P. M.

---

SEVEN O'CLOCK, P. M.

Mr. Lewis, from the committee on enrolled bills, reported that they had examined,

An act to amend an act entitled an act to allow and regulate the action of right and the action of ejectment.

And find the same to be correctly enrolled.

The following message was received from the Council, by Mr. Fales, their Secretary:

Mr. Speaker—The Council have again considered,

An act to divorce certain persons therein named;

Together with the objections of the Governor, and have passed said act with the constitutional majority.

I herewith return three enrolled bills.

The same having been signed by the President of the Council.

Mr. Hepner on leave introduced

No. 131, H. R. file, An act to repeal the 42d section of an act entitled an act defining crimes and punishments, passed at the session of 1842 and '43;

Which was read a first time; when,

On motion of McMillan,

The 42d rule was suspended; and,

The same read a second and third time, passed and title agreed to.



The following message was received from the Council, by their Secretary, Mr. Fales:

Mr. Speaker—The Council have passed

No. 87, C. file, An act to provide for the payment of the debts of the Territory.

I herewith present for your signature, four enrolled bills.

No. 87, C. file, An act to provide for the payment of the debts of the Territory;

Was read a first time; when,

On motion of Mr. Rogers,

The 42nd rule was suspended; and,

The same read a second and third time; and,

Upon the question,

Shall the bill pass?

The yeas and nays were ordered;

Yeas 15, Nays 5.

Those who voted in the affirmative were,

Messrs. Brierly,

Briggs,

Bunker,

Culbertson,

Goddard,

Hackleman,

Hepner,

Jay,

McCulloch,

McMillan,

Rogers,

Sales,

Steele,

Thornton,

Speaker.

Those who voted in the negative were,

Messrs. Barton,

Blair,

Lewis,

Robertson,

Swearingen.

So the bill passed and title agreed to.

The following message was then received from the Council, by their Secretary, Mr. Fales:

Mr. Speaker—The Council have concurred in the report of the committee of conference, relative to

No. 56, C. file, An act to establish new counties and define their boundaries, &c.

The Council have passed with amendments

No. 130, H. R. file, An act to provide for compensation of members, officers and printers of the Legislative Assembly, and for other purposes.

Also, without amendment,

No. 131, H. R. file, An act to repeal the forty second section of an act defining crimes and punishments.

No. 130, H. R. file, An act to provide for the compensation of members, officers and printers of the Legislative Assembly, and for other purposes;



Being returned from the Council with amendments, the same were considered seperately.

The question being upon the first amendment of the Council, which was to amend the 11th section, of said bill, so as to allow William Crum additional compensation for incidental printing, for the House, of the present session;

Was put, and disagreed to.

All other amendments made by the Council, were then agreed to;

When,

On motion of Mr. Hepner,

A committee of conference was appointed to confer with a similar committee to be appointed on the part of the Council, in relation to the disagreeing vote of the same.

The Chair appointed Messrs. Hepner, Walworth and Lewis, said committee.

Mr. Lewis, from the committee on enrolled bills, reported that they had examined,

An act to repeal the 42d section of an act defining crimes and punishments, passed at the session of 1842 and '43.

And find the same to be correctly enrolled.

The committee have also presented to the Governor, to day for his signature:

An act to prevent damages by the firing of prairies.

And,

Joint resolution relative to the preparation, indexing and distributing of the revised statutes of the Territory.

Also,

An act to incorporate the Muscatine Lyceum.

The following message was received from the Council, by Mr. Fales, their Secretary:

Mr. Speaker—I herewith present for your signature,

An act to pay the debts of the Territory.

Also,

An act to establish new counties and define their boundaries in the late cession of the Sac and Fox Indians, and for other purposes.

Mr. Briggs, from the committee on enrolled bills, reported that they had presented to the Governor for his signature:

An act to repeal the 42d section of an act defining crimes and punishments.

Mr. McCulloch offered the following, which was adopted by a unanimous vote of the House:

Resolved, That a vote of thanks be tendered to James M. Morgan,



for the able, dignified and impartial manner in which he has discharged his duty as Speaker of the House.

Mr. Jay offered the following, which was also adopted by a unanimous vote of the House:

Resolved, That a vote of thanks be given to B. F. Wallace, Chief Clerk of this House, for the able and skilful manner in which he has discharged the duties of his office during the present session.

Resolved, That a vote of thanks be given to Silas A. Hudson, Assistant Clerk of this House, for the able and skilful manner in which he has discharged his duties at the present session.

Mr. Hepner, from the committee of conference, to whom was referred the disagreeing vote of the two Houses, upon

No. 130, H. R. file, An act to provide for the compensation of members, officers, printers of the Legislative Assembly, and for other purposes;

Reported the same back and recommended the following amendments: in the 9th section strike out "\$733 62," and insert "\$785 25."

In the 11th section amendment of the Council, strike out "one hundred and seventeen," and insert "seventy-five."

Which were concurred in.

The following message was received from the Council, by their Secretary, Mr. Fales:

Mr. Speaker—The Council have reconsidered the vote by which, No. 130, C. file, An act to provide for the compensation of members, officers and printers of the Legislature, and for other purposes;

Was passed, and have again passed the same with one amendment.

Mr. Briggs, from the committee on enrolled bills, reported that they had examined,

No. 121, H. R. file, An act allowing and regulating writs of attachment.

And find the same correctly enrolled.

On motion of Mr. Hepner,

The House adjourned until to-morrow morning at 6 o'clock, A. M.



FRIDAY MORNING, FEBRUARY 17, 1843.

The House met pursuant to adjournment.

Mr. Briggs, from the committee on enrolled bills, reported that they had examined

An act to provide for the compensation of members, officers, printers of the Legislature, and for other purposes;

And find the same to be correctly enrolled.

The committee also laid before the Governor, for his approval, on the 16th instant:

An act allowing and regulating writs of attachments.

Mr. Robertson offered the following:

Resolved, That a committee of two be appointed on the part of the House, to act in conjunction with a similar committee on the part of the Council, to wait upon his Excellency, the Governor, and inform him that the two Houses are now ready to adjourn sine die; and to ascertain whether he has any further communications to make to them.

The Chair appointed Messrs. Robertson and McCulloch, said committee.

Mr. Briggs, from the committee on enrolled bills, reported that they had presented to the Governor, for his approval, on the 17th instant:

An act to provide for the compensation of the members, officers and printers of the Legislature, and for other purposes.

Mr. Lewis, from the committee on enrolled bills, reported that they had presented to the Governor, for his signature:

An act regulating the action of right and ejectment.

Mr. Lewis moved

That a committee of two be appointed to wait upon the Council, and inform them that the House is now ready to adjourn sine die.

The Chair appointed Messrs. Lewis and Briggs, said committee.

Who soon returned and reported that they had discharged their duty.

Mr. Robertson, from the committee appointed to wait upon the Governor, reported that they had discharged that duty, and that the Governor informed them that he had no further communications to make to them; when,

On motion of Mr. McMillan,

Ordered, That this House do now adjourn, *sine die*.



The Speaker then addressed the House as follows:

GENTLEMEN—

The period designated for our separation has at length arrived; but before announcing the decision, which is to dissolve our official connexion, allow me to offer you my most grateful acknowledgments for the complimentary resolution with which you have honored me, and for the courtesy and forbearance which you have throughout our session been pleased to extend towards me.

If, unhappily, any intemperate feelings have been engendered by the discussion of the session, I would suggest that the present is an appropriate time to pardon and forget them, and it is to be presumed that every honorable mind will readily make the generous offering.

It is not my province, gentlemen, to pronounce an opinion upon the policy of your measures, or to predict for them any particular results, but I may be permitted to entertain the hope that for the zeal and industry you have manifested in the discharge of the public and important duties which have been entrusted to your care, you may receive the just appreciation of your constituents.

In conclusion, gentlemen, I wish you a safe and happy return to your families and friends, and although we may never again meet as brother members of the Legislature, yet I trust we shall never forget that we have been such, and that as such we shall ever cherish for each other feelings of mutual friendship and respect.

It only remains for me to announce that this House is now adjourned *sine die*.



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# JOURNAL

OF THE

## HOUSE OF REPRESENTATIVES,

OF THE

### SIXTH LEGISLATIVE ASSEMBLY

OF THE

### TERRITORY OF IOWA.

BEGUN AND HELD AT IOWA CITY ON THE FIRST MONDAY OF DECEMBER,  
ONE THOUSAND EIGHT HUNDRED AND FORTY-THREE.

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DUBUQUE:

PRINTED BY WILSON & KEESECKER.

.....  
1844.



HOUSE OF REPRESENTATIVES

STATE OF NEW YORK

REPORT OF THE

COMMISSIONER OF THE LAND OFFICE

FOR THE YEAR 1844

ALBANY: PUBLISHED BY J. B. LEECH, 1845.

1844



**JOURNAL**  
OF THE  
**HOUSE OF REPRESENTATIVES**

OF THE  
LEGISLATIVE ASSEMBLY OF THE TERRITORY OF IOWA,  
Begun and held at Iowa City, on Monday the fourth day of December,  
one thousand eight hundred and forty-three.

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At 12 o'clock, M. the House was called to order by B. F. WALLACE, Chief Clerk, when the following named gentlemen appeared, presented their credentials, and took their seats—the requisite oath having been administered by WM. L. GILBERT, Esqr.

From the County of Lee—JAMES BRIERLY, JOSEPH ROBERTS, and WILLIAM STEELE.

From the County of Van Buren—JOSIAH H. BONNEY and SAMUEL BORLAND.

From the County of Des Moines—ABNER HACKLEMAM, JAMES W. GRIMES, JOHN JOHNSON, and JOHN D. WRIGHT.

From the County of Henry—HAMILTON ROBB, PATON WILSON, and WILLIAM THOMPSON.

From the County of Jefferson—JOHN W. CULBERTSON.

From the County of Louisa—GEO. W. McCLEARY.

From the County of Washington—THOMAS BAKER.

From the County of Muscatine—EDWARD E. FAY.

From the County of Johnson—JAMES P. CARLETON.

From the Counties of Cedar, Jones and Linn—GEORGE H. WALWORTH and ROBERT SMYTH.

From the County of Scott—G. C. R. MITCHELL.

From the County of Clinton—JOHN BROPHY.

From the County of Jackson—JOHN FOLEY.

From the Counties of Dubuque, Delaware and Clayton—HARDIN NOWLIN and THOMAS ROGERS.



On motion of Mr. Rogers,  
Mr. Brierly was appointed Speaker *pro tempore*.

On motion of Mr. Foley,  
John G. McDonald was appointed Sergeant-at-Arms *pro tem*.

On motion of Mr. Robb,  
James Higgins was appointed Fireman *pro tem*.

On motion of Mr. Hackleman,  
John Lorton was appointed Messenger *pro tem*.

On motion of Mr. Grimes,  
Ordered, That a Committee be chosen to examine the credentials of members.

The following named gentlemen were chosen said Committee, viz: Messrs. Grimes, Rogers, Wilson, Steele, and Bonney.

On motion of Mr. Nowlin,  
The Rules of the last session of the House were adopted temporarily for the government of the House.

Mr. Grimes, from the Committee appointed to examine the credentials, &c., made the following report:

The Committee appointed to examine the credentials of the members of this House, having discharged the duty assigned them, beg leave to report, that they find the credentials of the following named gentlemen, correct and in accordance with law:

James Brierly, Joseph Roberts, William Steele, Josiah H. Bonney, Samuel Borland, Abner Hackleman, James W. Grimes, John Johnson, John D. Wright, Hamilton Robb, Paton Wilson, William Thompson, John W. Culbertson, Thomas Baker, Edward E. Fay, Geo. W. M'Cleary, James P. Carleton, George H. Walworth, Robert Smyth, G. C. R. Mitchell, John Brophy, John Foley, Thomas Rogers, and Hardin Nowlin.

Your Committee further beg leave to report, that, although the sitting member from Lousia county has presented no credentials, yet, they are satisfied that they have been regularly issued to him—that he is entitled to his seat, and recommend that he be permitted to retain and occupy the same.

On motion of Mr. Rogers,  
Mr. McCleary came forward and took the requisite oath.

On motion of Mr. Thompson,  
Said Report was adopted.

Mr. Rogers gave notice that he would, on some future day, introduce a Bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for the winding up of the affairs of the same.

And also, Joint Resolutions, relative to the repayment of the fine imposed upon General Jackson.

On motion of Mr. Nowlin,

The House adjourned until to-morrow morning at 10 o'clock.



**Tuesday Morning, December 5, 1843.**

Alfred Hebard, member elect from the county of Des Moines, appeared and was on motion of Mr. Grimes permitted to take his seat.

On motion of Mr. Brophy,

Samuel R. Murray was appointed Assistant Clerk, *pro tempore*.

Mr. Brophy offered the following:

Resolved, That it is the duty of this House, to select but one officer from each Council district.

A motion was made by Mr. Nowlin, to lay the same on the table.

Which was decided in the negative; Yeas 11, Nays 14.

The yeas and nays being desired by two members.

Those who voted in the affirmative are

Messrs. Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, Nowlin, Rogers, Robb, Walworth and Wright.

Those who voted in the negative are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Carleton, Culberston, Fay, McCleary, Roberts, Smyth, Steele, Thompson and Wilson.

The question then recurred on the adoption of the Resolution, and was decided in the negative.

On motion of Mr. Johnson,

The House proceed to the election of Speaker:

Messrs Grimes and Nowlin acting as tellers; upon counting the ballots it appeared that James P. Carleton had received nine votes, Thomas Rogers nine votes, scattering seven.

No one having received a majority of all the votes, the House proceeded to ballot a second time, when it appeared that

Mr. Carleton had received	12 votes,
Mr. Rogers had received	9 votes,
Scattering,	4 votes,

No one having received a majority of all the votes, the House proceeded to a third ballot when it appeared that,

Mr. Carleton, had received	13 votes,
Mr. Rogers, had received	8 votes,
Scattering,	4 votes,

Mr. Carleton, having received a majority of all the votes, was declared duly elected Speaker.

Messrs. Nowlin and Grimes conducted the Speaker to the Chair, from whence he addressed the House as follows:

GENTLEMEN:—Through your kindness and partiality, I have been selected to discharge the duties connected with the high and important station of Speaker of the House. And whilst I acknowledge, with



feelings of gratitude, the distinguished honor conferred upon me, allow me to say, that I cannot but feel, that I shall fall far below the expectations of those whose kindness has placed me here.

Called for the first time in my life to preside over the deliberations of a body of this kind, and with but a limited experience in legislative proceedings, I cannot promise you, neither I trust will you expect, that familiarity with points of order, or that readiness in the despatch of business, which is so necessary to facilitate your deliberations, and so well calculated to render easy and pleasant the discharge of your duties. Of this much, however, gentlemen, I can assure you, that in my intercourse with you, in the relation which I now sustain, it shall be my endeavor so to act as to promote unanimity of feeling, and the great end for which we have assembled together,—the welfare and prosperity of our growing Territory.

Gathered together, as we are, from every portion of the Territory, and representing, as we do, different local interests, it is but natural to expect, that amid the clash of conflicting claims, occasional storms will arise, but I trust, should such be the case, that they will but serve to purify our mental vision, and enable us to look beyond the interest of our own immediate neighborhood, to the still more commanding interest of all.

Laws should be made to operate equally not partially—the common good of the Territory should be studied in all our proceedings, and upon this altar should we be willing at all times to offer up our sectional feelings and sectional interests. Let us remember too, that the legislation of our infancy is to tell upon our riper years, and it is important that we should so legislate that when this young and rising Territory comes to take her stand among the States our glorious Union, she may be fully prepared for as brilliant a career as that of those which have preceded her. Let her commence her race unclogged—with her energies untrammelled, and it will require no prophet to tell her future destiny.

There is, gentlemen, a high responsibility resting upon us. Let us manfully meet it—that when we come to leave these seats and mingle again with our constituents, we may meet them with a consciousness of having discharged our duty.

Again, gentlemen, allow me to return my thanks for the honor conferred upon me, and again allow me to assure you, that it will be my study in all things to render myself worthy of your confidence.

Messrs. Wallace, Patterson and Christie, a committee from the the Council, were announced, who informed the House that the Council was temporarily organized and ready to proceed to business.

On motion of Mr. Nowlin,

The House proceeded to the election of Chief Clerk and upon counting the ballots it appeared that,

Joseph T. Fales, had received	18 votes,
James W. Woods, had received	4 votes,
John R. Woods, had received	2 votes,
——— Woods, had received	1 vote,



Mr. Fales having received a majority of all the votes, was declared duly elected Chief Clerk.

A motion was made by Mr. Foley,

That the House adjourn until 2 o'clock P. M. The motion was lost.

On motion of Mr. Johnson,

The House proceeded to the election of Assistant Clerk, upon counting the ballots it appeared that,

Samuel R. Murray had received	15 votes,
T. S. Parvin, " "	6 votes,
J. R. Woods, " "	4 votes,

Mr. Murray, having received a majority of all the votes, was declared duly elected Assistant Clerk.

On motion of Mr. Grimes,

The House proceeded to the election of Sergeant-at-Arms, and upon counting the ballots it appeared that,

Charles Snelson, had received	13 votes,
Scattering, " "	12 votes,

Mr. Snelson, having received a majority of all the votes, was declared duly elected Sergeant-at-Arms.

On motion of Mr. Steele,

The House proceeded to the election of Messenger, and upon counting the ballots it appeared that,

J. A. Casey, had received	13 votes,
Scattering " "	12 votes,

Mr. Casey, having received a majority of all the votes, was declared duly elected Messenger.

On motion of Mr. Robb,

The House proceeded to the election of Fireman, and upon counting the ballots, it appeared that,

James Higgins, had received	14 votes,
S. Morton, " "	10 votes,
T. Griffin, " "	1 vote,

Mr. Higgins, having received a majority of all the votes, was declared duly elected Fireman.

The officers elect, came forward and were severally sworn, and entered upon the discharge of their duties.

On motion of Mr. Thompson,

The House adjourned, until to-morrow morning at 10 o'clock.



**Wednesday Morning, December 6, 1843.**

On motion of Mr. Foley,

Resolved, That the Secretary of the Territory be authorized to pay to Benj. F. Wallace the sum of nine dollars, for three days' services as Clerk *pro tem*.

Resolved, That the Secretary of the Territory be authorized to pay to John G. McDonald the sum of nine dollars, for three days' services as Sergeant-at-Arms *pro tem*.

Resolved, That the Secretary of the Territory be authorized to pay to John Lorton the sum of nine dollars, for three days' services as Messenger *pro tem*.

On motion of Mr. Nowlin,

Resolved, That Messrs. Foley, Walworth, and Brierly, be appointed a committee to make the necessary arrangements with the Postmaster of this city, for the payment of all postage on letters and papers sent to and from this House during the present session.

On motion of Mr. Walworth,

Resolved, That the Chief Clerk be authorized to furnish each member of this House with thirty copies weekly, of such newspapers published in this Territory as they may direct.

On motion of Mr. Baker,

Resolved, That the publishers of the Iowa City Reporter be employed to do the incidental printing of this House during the present session.

On motion of Mr. Grimes,

Ordered, That a Committee of two be appointed to wait upon the Council, and inform them that this House is now organized, and ready to proceed to business, and that the same Committee act in conjunction with a Committee to be appointed by the Council, to wait upon, and inform the Governor, that the two Houses are now organized, and ready to receive any communication that he may be pleased to make to them.

Messrs. Grimes and Rogers were appointed said Committee.

Mr. Rogers, in accordance with previous notice, and on leave being given, introduced

No. 1, H. R. File, "A Bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for the winding up of the affairs of the same," which was read a first time, and fifty copies ordered to be printed.

On motion of Mr. Walworth,

Ordered, That a Committee of one from each Electoral District be appointed, to prepare Rules for the government of this House.

Whereupon, Messrs. Walworth, Hackleman, M'Cleary, Thompson,



Fay, Culbertson, Mitchell, Bonney, Brierly, Baker, Brophy, Foley, and Nowlin, were appointed said Committee.

On motion of Mr. Baker,

Ordered, That the following be the Standing Committees of this House:—

On Judiciary;

Internal Improvements

Military Affairs,

Engrossed Bills,

Territorial Affairs;

Corporations;

Public Buildings;

On Common Schools;

Claims,

Enrolled Bills,

Expenditures;

Roads and Highways;

Township and County Boundaries;

Agriculture.

Mr. Grimes gave notice, that he would, on to-morrow, or some day thereafter, introduce a bill entitled

“An Act to incorporate the Aspern Grove Cemetery Association.”

On motion of Mr. Thompson,

Ordered, That the Governor, Secretary, Judges of the Supreme Court, Members of the Council, and Editors of Newspapers, be permitted to take seats within the Bar of this House.

On motion of Mr. Brierly,

Ordered, That the Chief Clerk give the subordinate officers written instructions to aid them in the discharge of their respective duties.

Mr. Grimes, from the Committee appointed to wait upon the Council, as well as upon the Governor, reported, that the Committee had discharged the duty assigned them, and that the Governor would, in a short time, communicate to the House in writing.

A communication, in writing, was then received from the Governor, by Mr. Burr, Secretary of the Territory, which was read by the Clerk, and is as follows:

IOWA CITY, December 4th, 1843.

*Fellow citizens of the Council and of the House of Representatives:*

Since the termination of the last session of the Legislative Assembly, it has pleased the Almighty Power, in whose hands we are, to vouchsafe to the people of this Territory as great a degree of exemption from disease as has fallen to the lot of any portion of our extensive country; and although, in some localities, recent emigration and the exposure incident to a want of comfortable houses for a short time, have produced bilious diseases, in a mitigated form, still it may be asserted with perfect truth, that no portion of the country, watered by the tributaries of the Mississippi, has in its early settlement been more favored in the health of its inhabitants than Iowa, and while a bounteous providence has blessed us with abundance we have cause to felicitate ourselves that, the peace and personal security of our citizens have been undisturbed and unmolested in a degree which many older communities cannot boast of.

Heretofore we have been prosperous, and well protected under the



fostering care of the General Government, and if in some respects our commerce has not been as liberally provided for and promoted, as we had a right to expect, and as an enlightened policy would have dictated, it is gratifying to know that the omission affects in common with us, an interest so extensive and a population so numerous—now fully represented in the councils of the nation—that the period cannot be remote, at which this subject will be pressed upon the government with a power which will not be easily resisted. And we may promise ourselves too, that at an early day we shall be permitted to add some additional weight to the already numerous representation in Congress from the great valley of the Mississippi, in demanding the efficient action of that enlightened body in promoting the vast and rapidly increasing agriculture and commerce of the western States and Territories.

These interests have been too long permitted to languish and suffer from obstructions to the safe navigation of our rivers, which the government could, and ought to have caused to be removed, and although our former attempts to attract the attention of Congress to the subject have been unsuccessful, we owe it to ourselves to renew our efforts, and especially at this time to insist earnestly upon a full consideration of our claims to relief from the severe losses and heavy impositions under which we labour, from causes so easily removed by the power to which it belongs to redress the grievance; a new Congress has now assembled, and for the first time for ten years the people of the new States are represented in proportion to their numbers, we may therefore reasonably hope for a more favorable consideration of those interests which have heretofore seemed to be too far from tide water to attract the degree of attention which their importance merit.

Our population has now, it is confidently believed, attained a numerical strength which entitles us to a participation with the States of the Union in the government of its affairs, and to the benefits of local legislation, subject to no restraints but such as are imposed by the constitution of the United States, and as we may choose to impose in the formation of a State constitution. I therefore consider it my duty, respectfully to recommend, that you make provision by law for ascertaining the wishes of your constituents in relation to this important matter; and that you apply to Congress to fix and establish, during its present session, a boundary for the proposed State, and to sanction the calling of a convention, and make provision for our reception into the Union so soon as we shall be prepared to demand it. The establishment of a boundary for us by Congress, will prevent the intervention of any difficulty or delay in our admission into the Union, which might result from our assuming limits which that body might not be disposed to concede to us.

Early in the month of May last, the confederated tribes of the Sac and Fox Indians, in conformity to their treaty with the United States of the 11th October, 1842, removed to the west of the temporary boundary established by that treaty, which has since been ascertained by actual survey and marked, under the direction of the government.



The removal of these tribes has opened an extensive and very valuable portion of our territory to settlement, and the tide of emigration which immediately rushed into it, and has continued to flow ever since, shows that its value and importance are justly appreciated.

The increase of population west of the old Indian boundary, will render it necessary that provision be made by law for attaching some of the counties formed by the act of the last session, to the judicial districts, and placing them in all respects upon an equal footing with the counties previously organized.

In the month of July last the President directed a negotiation to be opened with the Winnebago Indians, with a view to their removal from the tract of country known as the Neutral Ground, where their vicious habits had rendered them offensive and dangerous to the adjacent white inhabitants; but every effort to induce them to remove, proved unavailing, and I fear their obstinacy and almost universal intemperance, acted upon and encouraged by interested advisers among the whites, whom they look upon as their friends, will induce them to continue to resist the benevolent wish of the Government to provide a residence for them more remote from white population, and where the facilities they now enjoy for indulging in their besetting sin of habitual drunkenness, would not be afforded them, until their conduct will produce a necessity for compelling them to take a position less annoying and dangerous to our citizens, and less destructive to themselves. In the mean time, the War Department has caused such instructions to be given to the officer in command of the United States troops at Fort Atkinson, as it is hoped will in a great measure protect our citizens residing near the Neutral Ground against further aggressions from these besotted people.

It is proper to state in this connection, that the intemperate habits of these Indians can be clearly traced to a depraved and lawless portion of our citizens, who, in defiance of the laws of the United States and of the Territory, and in total contempt of every principle of morality continue to supply them with whiskey in such quantities as to keep a large portion of them in a state of almost uninterrupted intoxication. The laws prohibiting this offence, impose only pecuniary penalties for a breach of them, and the frauds and extortion practised upon the Indians by the offenders, enable them, in case of conviction, to pay the penalties imposed, and still prosecute their infamous traffic with a large profit. The fact is well known to these lawless people that their practices not only endanger their own lives, but the lives and property of their unoffending fellow citizens and cause the butchery and destruction of their Indian victims to an extent not generally known to others; but these evils produce no compunctions with them, and I earnestly recommend to you the revision and amendment of the existing laws in relation to this crime, with a view to the infliction of more exemplary punishment for its commission, and if possible to ensure a more effectual execution of whatever provisions now exist or which you may deem necessary to enact for its prevention and punishment.



The work on the public buildings at this place has been limited during the past season by the means placed at the disposal of the Territorial Agent, and its further prosecution will depend upon such provision as you may deem it expedient to make for that purpose.

The payment of the unsatisfied debts against the Territory, incurred under legislative authority on account of the public buildings, ought to be provided for and met, with as much promptitude as practicable.

Last spring the Warden of the Penitentiary communicated to me a plan of operations which he proposed to adopt for the advancement of the work on the buildings and enclosures then in progress, and which were indispensable to the secure keeping and accommodation of the convicts; his proposition embraced what I deemed the most profitable employment of the labor of the convicts, with the least expenditure for which it was practicable to attain the object of such an enlargement of the accommodations of the institution as the increase of the number of convicts demanded. The plan proposed met my my decided approbation, and as the Warden proposed to incur the risk of a legislative provision for such advances as its execution might require, I assured him of my hearty concurrence in any measure which the legislature might think proper to adopt for his indemnification, and I learn from a report which he has made me, that he has very successfully prosecuted the work he contemplated, with an expense even less than he had estimated; adding greatly to the comfort and security of the convicts, and placing the institution upon such a footing, as will with proper management enable us to avoid to the necessity of future appropriations for its support. The Wardens Official Report will explain to you more at large the nature and extent of the work he has caused to be done and the expenditure he has incurred; and I respectfully recommend that provision be made by law for reimbursing him.

We have still to regret that our repeated appeals to Congress for the means of completing this work, so necessary to the due execution of our criminal laws, have been attended with but little success, but in the relation in which we stand to the General Government, our claim for such aid, is to my mind so undeniably just and proper, that I cannot refrain from recommending that it be again presented and urged upon the attention of that body.

In my former communications to the Legislative Assembly, I have represented the almost universal neglect of the officers of the militia to perform their duties, and especially that their failure to report the number and equipments of their respective commands, as required by law, puts it out of the power of the War Department of the General Government to furnish us with the arms to which we would be entitled upon making proper returns. No change has taken place in this respect, and if the means of putting arms into the hands of our militia is deemed important to the safety of our extensive and exposed frontier, I would again recommend the adoption of such measures as will enable us to obtain them. The causes which render hopeless any effort to enforce the performance of the official duties of our militia offi-



cers, by military means, are stated at length in my last annual message, to which I beg leave respectfully to refer you.

The law authorizing the organization of township schools, seems to be entirely overlooked by those to whom the duty is committed, and it is mortifying to see how little interest the important subject of education excites among us, even the school lands, or sixteenth section, in every township, are found in most cases, to be wholly neglected, and in many to have been converted to individual use, or to have been trespassed upon and pillaged to their great injury. The value of this provision for education cannot be too highly appreciated, and I earnestly recommend that the County Commissioners in every organized county be not only permitted, but *compelled* in every instance where the school lands are found in the unauthorized occupancy of individuals, to obtain possession of them by such legal means as may be necessary for that purpose, or at their discretion, to permit the occupants to become tenants, paying a moderate rent in making improvements on the land or otherwise, and covenanting to commit no waste, and to surrender the possession to them or their successors in office, at the expiration of the term agreed upon, and that where the lands are not occupied, the County Commissioners be required to protect them against trespassers and to cause them to be settled and improved whenever it may be practicable to do so.

Notwithstanding the restrictions imposed by Congress upon the expenditure of the appropriations for the support of the Territorial Governments, I find that the pay and mileage of the members of the Legislative Assembly of this Territory, the pay of its officers, printing and other incidental and miscellaneous expense of the last session, amount to about five thousand dollars more than the appropriations made by Congress for those objects. This is the more to be regretted because the territorial treasury does not afford the means of paying the deficiency, and the persons to whom it is payable are left to the doubtful contingency of their claims being paid at the United States Treasury, and may be compelled to wait a further appropriation by Congress to satisfy them; to avoid a recurrence of such a state of things, I would respectfully recommend that your appropriations of the fund allowed by Congress for legislative purposes, be made as specific as possible, and in no case permitted to exceed the fund from which they are to be paid. Despatch in the discharge of your legislative duties and economy in the expenditure of the money appropriated for the expenses of your session, may enable you to leave a considerable amount of that fund unexpended, which, on your representation, Congress would probably permit to be applied to the payment of the deficiency of last year.

I beg you, gentlemen, to be assured that it will give me pleasure to co-operate with you in the adoption of such measures as may tend to promote the happiness and prosperity of our fellow-citizens.

I am, very respectfully,

Your obedient servant,

JOHN CHAMBERS.



The Message of the Governor having been read—it was,

On motion of Mr. Walworth,

Ordered, That one thousand copies be printed.

On motion of Mr. Robb,

Ordered, That this House do now adjourn until to-morrow morning at 10 o'clock.

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**Thursday Morning, December 7, 1843.**

The Speaker announced the following named gentlemen to compose the Standing Committees of the House:

*On the Judiciary*—Messrs. Thompson, Grimes, Baker, Rogers, and Mitchell.

*On Common Schools*—Messrs. Bonney, Hebard, Wright, Foley, and Robb.

*On Internal Improvements*—Messrs. Brierly, Wilson, Borland, Johnson, and Brophy.

*On Claims*—Messrs. Nowlin, Foley, Steele, Smith, and M'Cleary.

*On Military Affairs*—Messrs. Baker, Rogers, Mitchell, Bonney, and Nowlin.

*On Enrolled Bills*—Messrs. Hebard and Robb.

*On Engrossed Bills*—Messrs. Walworth and Mitchell.

*On Expenditures*—Messrs. Hackleman, Roberts, Fay, Wilson, and Walworth.

*On Territorial Affairs*—Messrs. Rogers, Wright, Borland, Roberts, and Culbertson.

*On Roads and Highways*—Messrs. Wilson, Wright, Culbertson, Walworth, and Borland.

*On Corporations*—Messrs. Grimes, Thompson, Brophy, Johnson, and Steele.

*On Townships and County Boundaries*—Messrs. Foley, Culbertson, Steele, M'Cleary, and Smyth.

*On Public Buildings*—Messrs. Johnson, Brierly, Fay, Hackleman, and Robb.

*On Agriculture*—Messrs. Brophy, Roberts, Smyth, Brierly, and Nowlin.

Mr. Brophy presented the petition of sundry citizens of Clinton county, praying for the re-location of the seat of Justice of said county; which was laid upon the table.

Mr. Robb presented the petition of sundry citizens of the Territory, praying the Legislative Assembly to grant a Charter to Hugh Boyle and Ralph Bissell, of Henry county, to erect a Dam across Skunk river, in Township 70, N. Range 6, W. in Sec. No. 25, of said Township. Said petition was, on motion of Mr. Steele, referred to a Select



Committee, composed of the delegations from the counties of Lee and Henry.

Mr. Brophy gave notice, that he would, on some future day, introduce a Bill to repeal an Act entitled "An act for the prevention of certain immoral practices."

Mr. Foley, from the Committee appointed on yesterday to confer with the Postmaster at Iowa City, relative to the postage of letters and papers, sent and received by the members of this House, reported, that the Committee have made the necessary arrangements with the Postmaster for the transmission and reception of such documents, letters and papers as may be necessary during the present session; and would recommend the passage of the following resolution—

Resolved, That the Chief Clerk of the House be directed to furnish each member with a small note book, in which it shall be the duty of each member to enter all letters, documents, and papers, which may be received and transmitted by him through said office, and that the Postmaster be authorized to charge such only as may be entered in said books.

A motion was made by Mr. Rogers, to lay the report and resolution upon the table. The motion was lost.

Pending the question on the adoption of the resolution,

Mr. Baker moved to re-consider the vote upon the motion to lay upon the table; which was decided in the negative.

A motion was made by Mr. Hackleman, that the House do now adjourn until to-morrow morning at ten o'clock.

The motion was lost.

On motion of Mr. Steele,

Ordered, That the House adjourn until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

The question before the House, previous to the adjournment, being the resolution reported by Mr. Foley relative to postage, &c.,

Mr. Nowlin offered the following as a substitute therefor:

Resolved, That the Postmaster of this City be requested to keep a daily account of the postage on all letters, papers, and other documents, sent to and from the members of the House, during the present session, and to make a report of the same, weekly, to the Chief Clerk; which was adopted.

Mr. Grimes, in accordance with previous notice, and on leave being granted, introduced

No. 2. H. R. File, entitled "A Bill to incorporate the Aspen Grove County Association;" which was read a first time, and,

On motion of Mr. Grimes,

The 42d rule was suspended, and the bill read a second time.

On motion of Mr. Grimes,

Ordered, That the bill be engrossed, and read a third time on to-morrow.

Mr. Walworth offered the following:



Resolved, That it be the duty of each member to keep an account of the postage on all letters, papers, and documents, received or transmitted by him through the Post Office in this city, and render the same to the Committee on Expenditures, at the close of the session.

And the question being put, Will the House adopt the resolution? It was decided in the negative. Yeas 6, Nays 19.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative were

Messrs. Grimes, Mitchell, Robb, Smyth, Steele, and Walworth.

Those who voted in the negative were

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Foley, Hackleman, Hebard, Johnson, M'Cleary, Nowlin, Roberts, Rogers, Thompson, Wilson, Wright, and Carleton, [Speaker.]

On motion of Mr. Rogers,

Ordered, That this House do now adjourn until to-morrow morning at 10 o'clock.

#### **Friday Morning, December 8, 1843.**

Mr. Walworth, from the Committee on Engrossed Bills, reported No. 2, H. R. File, "A Bill to incorporate the Aspen Grove Cemetery Association," as correctly engrossed.

Mr. Brierly presented the petition of sundry citizens of Lee county, praying that a Charter may be granted to Daniel C. Davis, to keep a Ferry across the Mississippi river, between Montrose and Nauvoo.

Said petition was referred to a Committee, composed of the delegation from Lee county.

On motion of Mr. Grimes,

Ordered, That the Committee on the Judiciary, be instructed to enquire into the expediency, if so amending the present law of this Territory as to limit and confine, the Jurisdiction of Justices of the peace and constables, to the respective Townships, in which they were, or may hereafter be elected.

On motion of Mr. Robb,

Resolved, That the Territorial Treasurer, be and he is hereby directed, to report to this House, at as early a day as practicable, the present state of the Treasury, together with the amount of Territorial tax, paid by the several counties, since the first of January 1840, keeping the tax of each county and of each Year separate.

On motion of Mr. Fay,

Ordered, That the Speaker of the House, be authorized to grant the use of this Hall, to ministers of all professions, at his discretion, for the purpose of public worship, on the sabbath days.

Mr. Nowlin submitted the following,



Resolved, that in the opinion of this House, it is expedient, that speedy measures be taken for the admission of Iowa, as a free and independent State.

A motion was made by Mr. Grimes, that the Resolution do lie upon the table, and passed in the affirmative.

Mr. Baker gave notice, that he would on to-morrow, or some day thereafter, ask leave to introduce a Bill, to organize the counties of Keokuk and Mahaska.

Mr. Bonney gave notice, that he would on to-morrow or some day thereafter, ask leave to introduce a bill, to change the time of holding the General Election.

Also, a bill to amend the first section of an Act entitled an "Act, to establish new counties, and define their boundaries," &c. approved Feb. 17th. 1843.

Mr. Hackleman gave notice, that he would on some future day, ask leave to introduce a Bill, to amend an Act, entitled an Act, to provide for the Election of Justices of the Peace, &c. approved Feb. 9, 1843.

Mr. Fay gave notice, that he would on to morrow, or some future day, ask leave to introduce a bill, to repeal the existing militia laws.

Mr. Hebard submitted the following.

Resolved, That the necessary business before this House, will not require a session beyond the 20th of January next, and that this House with the concurrence of the Council, will be prepared to adjourn on that day.

A motion was made by Mr. Baker, that the Resolution do lie upon the table, which passed in the affirmative, Yeas 14, Nays 11.

The yeas and nays being desired by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Borland, Culberston, Foley, Hackleman, Mitchell, McCleary, Robb, Roberts, Rogers, Smyth, Thompson and Wilson.

Those who voted in the negative are,

Messrs. Bonney, Brophy, Fay, Grimes, Hebard, Johnson, Nowlin, Steele, Walworth, Wright and Carleton, Speaker.

Mr. Johnson gave notice, that on some future day, he would introduce a Bill to provide for raising a revenue, for the improvement of Roads and Highways.

Also, a Bill to abolish Capital punishment.

Mr. Walworth, from the select Committee, appointed to prepare Rules for the government of the House, reported, that the Committee had had under consideration the duty assigned them, and would recommend the adoption of the rules of the last session.

On motion of Mr. Nowlin,

The House resolved itself into a Committee of the whole House upon the report of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Foley, reported, that the Committee had, according to order, had the rules of the previous ses-



sion under consideration, and directed him to report the same to the House without amendment.

On motion of Mr. Baker,

Ordered, That the report of the Committee be agreed to, and the Rules adopted.

On motion of Mr. Walworth,

Ordered, That a Committee be appointed, on the part of the House, to confer with a similar Committee, to be appointed on the part of the Council, to prepare Rules regulating the intercourse between the two Houses.

Messrs. Walworth, Nowlin, and Baker, were appointed said Committee.

A motion was made by Mr. Baker, to refer the Governor's Annual Message to a Committee of the whole House, which passed in the negative.

On motion of Mr. Brierly,

Ordered, That so much of the Governor's Message as relates to Commerce, be referred to the Committee on Internal improvements.

On motion of Mr. Walworth,

Ordered, That so much of the Governor's Message, as relates to the formation of a State Government, to be referred to a Select Committee of one from each Electoral District.

Whereupon, Messrs. Walworth, Roberts, Bonney, Grimes, Thompson, Culbertson, M'Cleary, Baker, Fay, Mitchell, Brophy, Foley, and Nowlin, were appointed said Committee.

On motion of Mr. Foley,

Ordered, That so much of the Governor's Message as relates to attaching counties, formed at the last session to existing Judicial Districts, be referred to the Committee on Territorial Affairs.

On motion of Mr. Baker,

Ordered, That so much of the Governor's Message as relates to the amendments of the law prohibiting the sale of spiritous liquors to the Indians, be referred to the Committee on Territorial Affairs.

On motion of Mr. Thompson,

Ordered, That so much of the Governor's Message, as relates to the completion of the Public Buildings, at Iowa City, be referred to the Committee on Public Buildings.

On motion of Mr. Brierly,

Ordered, That so much of the Governor's Message as relates to the Penitentiary, be referred to the Committee on Public Buildings.

On motion of Mr. Robb,

Ordered, That so much of the Governor's Message as relates to the Militia, be referred to the Committee on Military Affairs.

On motion of Mr. Culbertson,

Ordered, That so much of the Governor's Message as relates to the School Lands, be referred to the Committee on Common Schools.

On motion of Mr. Walworth,

Ordered, That so much of the Governor's Message as relates to the



debts of the Territory, be referred to the Committee on Expenditures.

No. 1, H. R. File, entitled "A Bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for winding up the affairs of the same," was read a second time.

A motion was made by Mr. Grimes, that the said Bill be referred to the Committee on the Judiciary.

A motion was made by Mr. Rogers, that the Bill be referred to a Committee of the whole House, and made the order of the day for Monday next; which motion, having the precedence, was passed in the affirmative. Yeas 18—Nays 7.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative were,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Foley, Hackleman, Johnson, McCleary, Nowlin, Roberts, Rogers, Smyth, Walworth, Wright, and Carleton, (Speaker.)

Those who voted in the negative, were,

Messrs. Grimes, Hebard, Mitchell, Robb, Steele, Thompson, and Wilson.

No. 2. H. R. File, "A Bill to incorporate the Aspen Grove Cemetery Association," was read a third time.

A motion was made by Mr. Grimes, that the 56th Rule of the House be suspended, that the bill might be amended, which question passed in the affirmative.

The Bill was then amended, passed, and its title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Then, on motion, the House adjourned until Monday morning, at 10 o'clock.

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### Monday Morning, December 11, 1843.

Mr. Grimes, presented the petition of 239 citizens of Des Moines county, praying the repeal, or a modification of an Act entitled "An Act, subjecting real and personal estate to execution;"

On motion of Mr. Grimes,

Ordered, That said petition, be referred to the Committee on the Judiciary.

Mr. Fay, presented the petition of 212 citizens of Muscatine County, praying the repeal, or modification of an act entitled "An Act, to organize, discipline, and govern the Militia."

On motion of Mr. Fay,

Ordered, That said petition, be referred to the Committee on Military affairs.

Mr. Baker, presented the petition, of sundry citizens of Washington



county, praying the relocation of a portion of the Territorial Road, leading from Washington to Burlington, said petition was,

On motion of Mr. Baker,

Referred to the Committee on Roads and Highways,

On motion of Mr. Wilson,

Resolved, That the Committee on the Judiciary, be instructed to enquire into the expediency of amending the "Valuation Law," so as to give the plaintiff in Execution, the right of selecting, any property that may be subject to Execution, and, if said property, shall not sell at its full appraised value, the plaintiff may take the same, or, hold his lein on the property, until it will sell.

Mr. Nowlin gave notice, that he would on some future day, ask leave, to introduce a bill, to provide for the appointment of collectors, in certain cases.

Mr. Steele, from the select committee, appointed for that purpose, reported, No. 3, H. R. file, entitled "A bill to authorize Hugh Boyle and Ralph Bissell, to erect a Dam across Skunk river, in Henry county," which was read a first time.

No. 1, H. R. File, "A Bill to, repeal the Charter of the Miners' Bank of Dubuque, and, to provide for winding up the affairs of the same;" being the order of the day, was taken up;

A motion was made, by Mr. Hackleman, that the consideration of the Bill be postponed, and, that it be made the special order of the day, for Friday next, which passed in the affirmative.

A motion was made by Grimes, that the resolution, offered by Mr. Hebard, on Friday last, relative to the adjournment on the 20th Jan. next, be taken from the table and considered. It was decided in the negative.

On motion of Mr. Robb,

Ordered, That a Committee on Finance be appointed, as one of the standing Committee's of the House.

Messrs. Robb, Fay, Hebard, Hackleman and McCleary, were appointed said Committee.

On motion of Mr. Hackleman,

Ordered, That the House do now adjourn, until to-morrow morning at 10 o'clock.

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### **Tuesday Morning, December 12, 1843.**

A message from the Council, by Mr. Wallace their Secretary:

Mr. SPEAKER.

I am directed to return to the House of Representatives,

No. 2, H. R. file, "An Act to incorporate, the Aspen Grove Cemetery



Association;" the same having passed the Council.

The Council have also passed,

No. 1, C. file, "A Bill to locate a Territorial road," therein named in which the concurrence of the House of Representatives is requested.

The Council have appointed, Messrs. Cook, Cox and R. M. G. Patterson, a committee on the part of Council, to act in conjunction with a similar committee appointed on the part of the House, of Representatives to prepare joint rules, to regulate the intercourse between the two Houses.

And then he withdrew.

Mr. Bonney, presented the petition, of William Wetherbee, of Van Buren county, praying for a dissolution of the bonds of matrimony, existing between him, and his wife Hannah.

On motion of Mr. Bonney,

Ordered, That said petition, be laid upon the table.

On motion of Mr. Brophy,

Resolved, that it be the duty, of the committee on Finance, to enquire into the expediency, of paying the arrearages of the last session of the Legislative Assembly, and report the same to this House, as soon as practicable.

On motion of Mr. Culberston,

Ordered, That the committee on the Judiciary, be instructed to enquire into the expediency, of so amending the Law, concerning grand and petit Jurors, so as to make it the duty of the Township Trustees, to select the Jurors.

Mr. McCleary gave notice, that he would on some day, ask leave to bring in "A Bill, to legalize the Acts of Isaac Parsons, a justice of the peace," in and for the county of Louisa.

On motion of Mr. Smyth,

Ordered, That the Committee on Finance, be requested to ascertain the amount of debts contracted, by former Legislatures; and report as soon as practicable, to this House.

Mr. Robb gave notice, that he would on to-morrow ask leave to introduce "A Bill to authorize Sheriffs to make deeds, to lands sold for the non-payment of taxes."

Mr. Walworth, from the Joint Committee, appointed upon the part of the House, to act with a similar committee, on the part of the Council, to prepare rules to govern the intercourse between the two Houses, reported that the committee had performed the duty assigned them, and recommended the adoption of the joint rules, of the last session.

On motion Ordered, that the report of the committee be concurred in, and the rules adopted.

No. 3, H. R. file, "A Bill to authorize Hugh Boyle and Ralph Bissell, to erect a Dam across Skunk river in Henry county;" was read a second time.

On motion of Mr. Baker,

Ordered, that said Bill, be laid upon the table, until the 2nd day of January next.



No. 1, C. file, "A Bill to locate, a Territorial Road therein named;" was read a first time.

A motion, was made by Mr. Robb, that the resolution, offered by Mr. Hebard on Friday last, relative to the adjournment of the Legislative Assembly, on the 20th of January next, be taken from the table; which passed in the affirmative.

Yeas 14, Nays 11.

The yeas and nays being desired by two members.

Those who voted in the affirmative are,

Messrs. Bonney, Brophy, Fay, Grimes, Hackleman, Hebard, Johnson, McCleary, Robb, Smyth, Thompson, Walworth, and Wright.

Those who voted in the negative are,

Messrs. Baker, Brierly, Borland, Culberston, Foley, Mitchell, Nowlin, Roberts, Rogers, Wilson and Carleton, Speaker.

A motion was made by Mr. Hackleman, that the further consideration of the resolution, be postponed until the 15th day of January next, which was decided in the affirmative.

Yeas 14, Nays 11.

The yeas and nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Borland, Culberston, Foley, Hackleman, Mitchell, McCleary, Nowlin, Roberts, Rogers, Thompson, Wright, and Carleton, Speaker.

Those who voted in the negative are,

Messrs. Bonney, Brophy, Fay, Grimes, Hebard, Johnson, Robb, Smyth, Steele, Walworth and Wilson.

Mr. Nowlin, in accordance with previous notice, and, on leave being granted, introduced No. 4, H. R. file, "A Bill, to provide for the appointment of collectors, in certain cases." Which was read a first time.

On motion the House adjourned until to-morrow morning at 10 o'clock.

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### Wednesday Morning, December 13, 1843.

Mr. Mitchell presented the petition of 114 citizens of Scott county, praying that the Ferry Charter of John Wilson, authorizing him to keep a Ferry at the town of Davenport, in said county, be so amended, as to allow him to keep a Swing Ferry.

Said petition was referred to the Committee on Incorporations.

Mr. Mitchell also presented the petition of 94 citizens of Scott county, praying an amendment of so much of the Revenue Law as relates to the powers and duties of Assessors.



Said petition was laid upon the table.

On motion of Mr. Hacklemam,

Resolved, That a Committee of three be appointed on the part of the House, to confer with a similar Committee on the part of the Council, to enquire into the propriety of so amending the law Districting the Territory into Electoral Districts, so as to entitle Muscatine and Johnson to but one member in the Council; and that said Committee report by bill or otherwise.

Messrs. Hackleman, Nowlin, and Wilson, were appointed said Committee.

On motion of Mr. Grimes,

Resolved, That there be appointed a Standing Committee on the Library.

Messrs. Walworth, Foley, Nowlin, Mitchell, and Brophy were appointed said Committee.

On motion of Mr. Fay,

Resolved, That the Committee on the Judiciary be instructed to enquire into the expediency of amending the Revenue Law, so that

1st. A re valuation of the real estate in each county shall be made by the Township or precinct Assessors, in the year 1844.

2d. Said valuation to be made without including the improvements existing upon such real estate.

3d. The Board of County Commissioners, or competent persons appointed by them, to act as a Board Equalization.

4th. The Clerk of the Board of County Commissioners may be allowed more than twenty days to make out his duplicate of the assessment rolls.

5th. To abolish the office of collector, and make the County Treasurer Collector, and provide for his meeting the residents, in each township, at the usual place of holding elections, upon a given day, to receive taxes.

On motion of Mr. Thompson,

Ordered, That the ladies be permitted to take seats within the Bar of this House at pleasure, and that the Sergeant-at-Arms, be instructed to furnish seats for their accommodation.

On motion of Mr. Nowlin,

Ordered, That the Chief Clerk furnish each member of this House with a copy of the Local Laws, passed at the last session.

Mr. Hebard, from the Committee on Enrolled Bills, reported "An Act to incorporate the Aspen Grove Cemetery Association," as correctly enrolled."

The Speaker then signed said Act.

Mr. Wilson, from the Committee on Roads and Highways, to whom was referred the petition of sundry citizens of Washington county, praying for the re-location of a portion of the Territorial Road leading from Washington to Burlington, reported, that it is inexpedient to grant the prayer of said petitioners, inasmuch as by a law passed by the Legislative Assembly, at its last session, the power to re-locate



Roads, &c., has been delegated to the Board of Commissioners in the different counties.

On motion,

Ordered, That the report be adopted, and that the Committee be discharged from the further consideration of the subject.

Mr. Robb, in accordance with notice given on yesterday, and on leave being granted, introduced

No. 5, H. R. File, "A Bill to authorize Sheriffs to make deeds for lands heretofore sold for the non-payment of taxes," which was read a first time.

The Speaker laid before the House the Report of the Territorial Agent, which was read.

On motion of Mr. Robb,

Ordered, That 240 copies of the Report be printed.

No. 1. C. F. "A Bill to locate a Territorial Road therein named," was read a second time.

On motion of Mr. Culbertson,

Ordered, That the Bill be read a third time on to-morrow.

No. 4, H. R. File, "A Bill to provide for the appointment of Collectors in certain cases," was read a second time.

A motion was made by Mr. Hackleman, that said Bill do lie upon the table; which passed in the negative.

On motion of Mr. Nowlin,

Ordered, That said Bill be referred to a Committee of the whole House, and be made the special order of the day on to-morrow.

Mr. Foley gave notice, that he would ask leave, on Monday next, to introduce a Joint Resolution, as a testimony of respect to the memory of the Hon. LEWIS F. LINN, late a Senator of the State of Missouri.

On motion,

Ordered, That this House do now adjourn until to-morrow morning at 10 o'clock.

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#### Thursday Morning, December 14, 1843.

Mr. Baker, presented the petition of 180 citizens of Washington, Keokuk, and Mahaska counties, praying for the location of a Territorial road, from Brighton in Washington county to the Garrison at the Raccoon Fork, of the Des Moines river. Said petition was, on motion of Mr. Baker, referred to the Committee on Roads and Highways.



Mr. Smyth, presented the petition of 28 citizens of Cedar county, praying that the bonds of matrimony, now existing between James Baxley and Susan his wife, may be dissolved. Said petition was laid upon the table.

Mr. Grimes, presented the petition, of John Prugh, praying that the Bonds of matrimony now existing, between him and his wife Georgiana, may be dissolved.

Mr. Brierly, presented the petition of H. D. Britton, praying that the bonds of matrimony now existing between him and his wife Sarah Louisa, may be dissolved.

Also, the petition of John Bishop, praying that the bonds of matrimony, now existing between him and his wife Mary, may be dissolved.

Also, the petition of Albert Clemente, praying that the bonds of matrimony now existing between him and his wife Adah, may be dissolved.

On motion,

Ordered, That said petitions, be referred to the Committee on the Judiciary.

Mr. McCleary offered the following;

Resolved, (the Council concurring herein,) That the two Houses, will adjourn on Thursday the 21st inst., until the first day of January, 1844. Which passed in the affirmative. Yeas 14, Nays 11.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Culbertson, Foley, Hebard, Mitchell, M'Cleary, Nowlin, Robb, Roberts, Rogers, Thompson, Wilson, and Wright.

Those who voted in the negative are,

Messrs. Bonney, Borland, Brophy, Fay, Grimes, Hackleman, Johnson, Smyth, Steele, Walworth, and Carleton, [Speaker.]

On motion of Mr. Bonney,

Resolved, That the Committee on the Judiciary, be instructed to enquire into the expediency, of passing an Act, authorizing the clerks of the boards of Commissioners, to administer oaths, and acknowledge deeds.

On motion of Mr. Walworth,

Resolved, (the Council concurring herein,) That the following be added to, and made one of the joint rules, regulatng the intercourse between the two Houses; to wit:

"All messages, reports, or other documents, presented to either branch, of this Assembly, for general information, and ordered to be printed by such branch, shall, when printed, be for the use of both branches.

"It shall be the duty, of the Chief Clerk of the House, or the Secretary of the Council, when any such document is ordered to be printed, in their respective branches, forthwith, to communicate such order to the other branch, so that the same order, may not be made in both branches."



Mr. Mitchell gave notice, that he would on to-morrow, or some subsequent day, ask leave to introduce a Bill, to be entitled "An Act providing for and regulating writs of Error *coram nobis*."

Mr. Brierly, from the select Committee, to whom was referred the petition of Daniel C. Davis, No. 6, H. R. file, "A Bill to authorize Daniel C. Davis, of the county of Lee, his heirs and assigns to establish and keep a Ferry, across the Mississippi river, at the town of Montrose;" which was read a first time.

Mr. Bonney, in accordance with previous notice, and on leave being granted, introduced No. 7, H. R. file, "A bill to change the time of holding the General Election," which was read a first time.

No. 4, H. R. file, "A bill, to provide for the appointment of collectors in certain cases, being the order of the day, the House resolved itself into a Committee of the whole House, upon said bill.

And after sometime spent therein, Mr. Speaker resumed the chair, and Mr. Baker reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same to the House with an amendment.

The House concurred in the amendment of the committee.

On motion of Mr. Rogers,

Ordered, That the Bill be engrossed, and read a third time to-morrow.

No. 5, H. R. file, "A Bill, to authorize Sheriffs to sell Lands for non-payment of taxes;" was read a second time.

On motion,

Ordered, That said Bill, be referred to the Committee on the Judiciary.

No. 1, C. file "A Bill to locate a Territorial Road therein named;" was read a third time and passed and the title thereof amended.

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Bonney,

Ordered, That the petition of Wm. Wetherbee, praying for a divorce, be taken from the table, and be referred to the Committee on the Judiciary.

On motion of Mr. Smyth,

Ordered, That the petition of citizens of Cedar county praying that James Baxley be divorced from his wife Susan, be taken from the table, and referred to the Committee on the Judiciary.

On motion of Mr. Rogers,

Ordered, That this House do now adjourn until to-morrow morning at 10 o'clock.



**Friday Morning, December 15, 1843.**

Mr. Walworth presented the petition of Wm. Hutton, Clerk of the Board of Commissioners of Jones county, praying that the Legislative Assembly would enquire into the reasons why the Laws of the last session were not distributed according to law.

Said petition was, on motion of Mr. Rogers, referred to the delegation, from Cedar, Linn, and Jones.

On motion of Mr. McCleary,

Resolved, That the Committee on Agriculture be instructed to enquire into the expediency of encouraging the breed of Sheep, by prohibiting Rams from running at large at certain seasons of the year, and report by bill or otherwise.

Mr. Thompson, from the Committee on the Judiciary, to whom was referred a resolution, instructing said Committee to enquire into the expediency of passing an act authorizing the Clerks of the boards of Commissioners to administer oaths, and to take the acknowledgments of deeds, reported, that the Committee had had said resolution under consideration, and that they are of opinion that the passage of such a law would be inexpedient.

The Committee find, that by the 21st section of an act organizing a Board of County Commissioners in each county, approved, February 15th, 1843, the Clerk of the Board of County Commissioners shall have the power to appoint a Deputy, whose acts he shall be responsible for, and to administer all oaths necessary in the discharge of the duties of his office.

This, your Committee think, is sufficient, as it is an office not possessed of any Judicial powers whatever.

Your Committee are further of the opinion, that a law authorizing them to take the acknowledgment of Deeds, would be at once unnecessary, unprecedented, and inexpedient.

It would be unnecessary, because there are Judicial officers already empowered sufficient for the acknowledgment of Deeds—unprecedented, because it is a power not usually granted to officers not possessed of Judicial powers—and inexpedient, because there is no legitimate officer having the power, either by law, or common consent, of certifying to his official character, and that his certificate is in due form.

Your Committee, therefore recommend the adoption of the following resolution:

Resolved, That it is inexpedient to pass a law, extending the power of the Clerks of the Boards of County Commissioners, in regard to administering oaths, and empowering them to take the acknowledgement of Deeds.



On motion,

Ordered, That said resolution be adopted.

No. 6, H. R. File, "A Bill to authorize Daniel C. Davis to keep a Ferry across the Mississippi river at the town of Montrose," was read a second time.

On motion of Mr. Brierly,

Ordered, That said bill be re-committed to the Select Committee by whom it was reported.

No. 7, H. R. File, "A Bill to change the time of holding the General Elections," was read a second time.

On motion of Mr. Rogers,

Ordered, That said bill be referred to a Committee of the whole House, and be made the special order of the day on the fourth of January next.

No. 4, H. R. File, "A Bill to provide for the appointment of Collectors in certain cases," was read a third time, passed, and the title thereto amended.

Ordered, That the Clerk acquaint the Council therewith.

No. 1, H. R. File, "A Bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for winding up the affairs of the same," being the order of the day,

The House resolved itself into a Committee of the whole House upon said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Foley reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments.

The House then agreed to the amendments made by the Committee.

A motion was made by Mr. Rogers,

That the Bill be engrossed and read a third time to-morrow;

When Mr. Nowlin offered the following:

"Whereas, information has been received, that there are now in circulation in the counties of Dubuque, Jackson, &c., Memorials to the Legislature, relative to the Dubuque Bank: Therefore,

Resolved, That Bill No. 1, H. R. File, "A Bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for winding up the affairs of the same," be laid on the table until the 2d day of January next.

Which motion, having the precedence, was put, and passed in the affirmative. Yeas 13—Nays 12.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brierly, Brophy, Foley, Grimes, Hebard, Mitchell, Nowlin, Robb, Roberts, Steele, Walworth, Wilson, and Carleton, Speaker.

Those who voted in the negative are,

Messrs. Baker, Bonney, Borland, Culbertson, Fay, Hackleman, Johnson, McCleary, Rogers, Smyth, Thompson, and Wright.

Mr. Baker, in accordance with previous notice, and on leave being granted, introduced



No. 8, H. R. File, "A Bill for an act to organize the county of Keokuk," which was read a first time.

A motion was made by Mr. Bonney, that forty copies of said Bill be printed; which was decided in the negative.

Mr. McCleary, in accordance with previous notice, and on leave being granted, introduced

No. 9, H. R. File, "A Bill to legalize the acts of Isaac Parsons, a justice of the peace of Jefferson Township, in Louisa county," which was read a first time.

On motion of Mr. Grimes,

Ordered, That the House do now adjourn until to-morrow morning at 10 o'clock

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**Saturday Morning, December 16, 1843.**

Mr. Nowlin gave notice, that he would on some future day, ask leave to introduce A Bill to enable the settlers on public lands, to recover the value of their improvements, where their claims are entered without their consent.

On motion of Mr. Fay,

Ordered, That the Committee on the Judiciary, be instructed to enquire into the Expediency, of so amending the 6th section of the act, to provide for the election of justices of the peace, as that, it may provide, for the election of the justices of the peace in Bloomington Township.

Mr. Brophy gave notice, that he would on some future day, ask leave to introduce a A Bill for an act, to legalize the acknowledgment of Deeds, taken under an act, to regulate conveyances, approved Jan. 4th. 1840.

Mr. Brierly, from the select Committee to whom was re-committed No. 6, H. R. File, "A Bill to authorize Daniel C. Davis, to keep a Ferry across the Mississippi river, at the town of Montrose," reported the same back to the House, with amendments.

The Speaker, laid before the House, the Annual Report of the Auditor of Public Accounts; which was read at the clerk's table.

A motion was made by Mr. Robb, that, 480 copies be printed, which passed in the affirmative. Yeas 13, Nays 12.

The yeas and nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Fay, Grimes, McCleary, Robb, Roberts, Smyth, Thompson, and Carleton, Speaker.

Those who voted in the negative are,

Messrs. Brophy, Foley, Hackleman, Hebard, Johnson, Mitchell,



Nowlin, Rogers, Steele, Walworth, Wilson, and Wright.

A Message from the Council, by Mr. Wallace, their Secretary.

Mr. SPEAKER:

The Council have adopted the Joint rules, reported by the Committee, appointed to prepare the same, and have appointed Messrs. Elbert and Leffler, a Committee on Enrolled Bills, on the part of the Council.

The Council have concurred in the resolution, providing an additional Joint Rule, regulating the intercourse between the two Houses, and have concurred in the amendment made by the House to

No. 1. C. F. "A Bill to locate a Territorial Road therein named." I herewith return,

An Act to incorporate the incorporate the Aspen Grove Cemetery Association. The same having been signed by the President of the Council.

I herewith present for your signature.

An Act to locate a Territorial Road, from Farmington, in Van Buren county, to Autumwa, in Wapello county.

The Council have passed,

No. 4, C. File, "A Bill to amend an act, entitled an act to authorize Thomas McCrany, and James Churchman, to keep a Ferry across the Mississippi river, at or near the upper end of the City of Dubuque."

And he then withdrew.

The Speaker then signed the act locating a Territorial road from Farmington to Autumwa.

The Speaker laid before the House the Report of the Territorial Treasurer, which was read at the clerk's table.

A motion was made by Mr. Robb, that 240 copies of the Report be printed which passed in the negative. The report was then laid upon the table.

The Speaker also laid before the House, the following letter. from the Territorial Treasurer.

Treasurer's Office, Iowa.

IOWA CITY, Dec. 16th 1843.

*To the Honorable, the House of Representatives of the Territory of Iowa*

GENTS: I regret that I do not possess sufficient data, from which a report could be made, that would fully comply with your resolution, of the 8th inst., requiring the Territorial Treasurer, to report the condition of the Treasury, &c. All the facts within my possession, upon the subject, I have reported to the Auditor of Public accounts, who will report the same to your honorable body.

I am, very respectfully,

Your obedient servant,

M. RENO,

*Territorial Treasurer.*

No. 6, H. R. File, "A Bill to authorize Daniel C. Davis, to keep a Ferry across the Mississippi river, at the town of Montrose, as amended by the select Committee, was read a second time. The amendments of the Committee were concurred in.



A motion was made by Mr. Brierly, that the Bill be engrossed and read a third time on Monday next.

A motion was made by Mr. Rogers that the further consideration of the Bill be indefinitely postponed, which passed in the negative.

The question then recurred on the motion of Mr. Brierly, that the Bill be engrossed and read a third on Monday, which passed in the affirmative.

No. 8, H. R. File, "A Bill to organize the county of Keokuk," was read a second time.

On motion of Mr. Rogers,

Ordered, That said Bill be laid on the table until Monday next.

No. 9, H. R. File, "A Bill to legalize the Acts of Isaac Parsons, a Justice of the Peace of Jefferson Township, in Louisa county," was read a second time.

On motion of Mr. McCleary,

The bill was referred to the delegation from the county of Louisa.

No. 4, C. File, "A Bill to amend an Act entitled an Act, to authorize Thomas McCraney and James Churchman, to keep a Ferry across the Mississippi river, at or near the upper end of the city of Dubuque," was read a first time.

Mr. Mitchell, according to previous notice, and on leave being granted, introduced No. 10, H. R. File, "A Bill to provide for, and regulate writs of Error *coram nobis*," which was read a first time.

A Message from the Council, by Mr. Wallace, their Secretary.

Mr. SPEAKER:

The Council have passed,

No. 4, H. R. file, "A Bill to amend an act, to provide for the assessment and collection of county and Territorial revenue; and

Have appointed Messrs. Harris, Wallace and Cox, a Committee on the part of the Council, to act with a similar Committee, appointed on the part of the House, to enquire into the propriety of so amending the Law, districting the Territory in Electoral districts, so that the counties of Muscatine and Johnson shall have but one member of the Council.

And then he withdrew.

On motion of Mr. Brierly,

Ordered, That this House do now adjourn until to-morrow morning at 10 o'clock.

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### Monday Morning, December 18, 1843.

Mr. Brophy presented the petition of 196 citizens of Clinton county, remonstrating against a removal of the Seat of Justice of said county.

On motion of Mr. Brophy,



Ordered, That said petition be referred to the Committee on Township and County Boundaries.

Mr. Grimes gave notice, that he would, on some future day, introduce "A Bill to organize Townships, and to define the powers and duties of Township officers."

Mr. Steele gave notice, that he would, on to-morrow, or some day thereafter, introduce

A Bill to legalize the acts of John A. Drake and Samuel B. Ayres, Justices of the Peace of Lee county.

Also—A Bill to legalize the acts of John Walters, as Constable of Lee county.

Mr. Bonney gave notice, that he would, on some future day, ask leave to introduce

A Bill to organize the county of Davis.

Mr. Walworth, from the Committee on Engrossed Bills, reported

No. 6, H. R. file, "A Bill to authorize Daniel C. Davis to keep a Ferry across the Mississippi river, at the town of Montrose," as correctly engrossed.

Mr. Grimes, from the Committee on the Judiciary, reported

No. 11, H. R. File, "A Bill to provide for assessing and collecting public Revenue," which was read a first time.

A motion was made by Mr. Thompson, that 240 copies of the Bill be printed.

A motion was made by Mr. Hebard, to strike out 240, and insert 40; which passed in the negative.

The question then recurred on the motion of Mr. Thompson, that 240 copies of the Bill be printed; and passed in the affirmative.

A message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER.

I am directed to inform the House, that the Council have concurred in the resolution of the House, providing for the adjournment of the two Houses, on Thursday the 21st inst., until the first day of January, 1844.

And then he withdrew.

Mr. Hebard, from the Committee on Enrolled Bills, reported.

No. 4, H. R. File, "An Act to amend an act entitled An Act to provide for the assessment and collection of County and Territorial Revenue," as correctly enrolled.

The Speaker then signed the said act.

No. 8, H. R. "A Bill to organize the county of Keokuk," was read a second time.

On motion of Mr. Rogers,

Ordered, That said bill be referred to the delegations from the counties of Washington, Van Buren, and Jefferson.

No. 10, H. R. File, "A Bill to provide for, and regulate Writs of Error, *coram nobis*," was read a second time.

On motion of Mr. Mitchell,



Ordered, That said Bill be referred to the Committee on the Judiciary.

No. 4, C. F. "A Bill to amend an act entitled an act, to authorize Thomas McCraney and James Churchman, to keep a Ferry across the Mississippi river, at or near the upper end of the city of Dubuque," was read a second time.

Ordered, That said bill be read a third time on to-morrow.

No. 6, H. R. File, "A Bill to authorize Daniel C. Davis to keep a Ferry at Montrose," was read a third time; and, after debate,

A motion was made by Mr. Brierly, that the Bill be laid on the table, subject to the order of the House; which was decided in the affirmative.

Mr. Foley, on leave being granted, introduced

No. 12, H. R. File, "Joint Resolutions, in testimony of respect of the late LEWIS F. LINN, late a Senator of the State of Missouri," which were read a first time.

On motion of Mr. Steele,

Ordered, That the House do now adjourn, until to-morrow morning at 10 o'clock.

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### **Tuesday Morning, December 19, 1843.**

The Speaker presented the petition of Malcolm Murray, praying payment of the amount of Scrip held by him, issued by the Territorial Agent; also, praying back interest upon the sum of three thousand five hundred dollars, from the first day of December, 1841, up to the date of a certain certificate, drawn by the Territorial Agent, in favor of Murray and Sanxy.

On motion of Mr. Speaker,

Ordered, That said petition be referred to the Committee on Territorial Affairs.

Mr. Culbertson gave notice, that he would, on some future day, during the session, ask leave to introduce

"A Bill to organize the county of Wapello."

Mr. Hackleman, from the Joint Committee to whom was referred "A Resolution, enquiring into the propriety of so amending the law, Districting the Territory, so as to give but one member to the Council in the counties of Muscatine and Johnson, reported, that they have had the same under consideration, that the Committee had come to the conclusion, that it was designed and understood, by the Legislative Assembly, that said counties should be entitled to but one member of the Council.

The Committee therefore reported



No. 13, H. R. File, "A Bill to amend an act entitled An Act, Districting the Territory into Electoral Districts;" which was read a first time.

Mr. Hebard, from the Joint Committee on Enrolled Bills, reported, that they did, on the 18th of December, present to the Governor, for his signature, "An Act to incorporate the Aspen Grove Cemetery Association."

Mr. McCleary, from the Select Committee, to whom was referred No. 9, H. R. File, "A Bill to legalize the acts of Isaac Parsons, a Justice of the Peace of Jefferson Township, in Louisa county, reported the same back to the House with amendments.

On motion of Mr. Grimes,

Ordered, That the 42d rule be suspended, and the bill be read a second time now.

The bill was then read a second time; and,

On motion of Mr. McCleary,

Ordered, That the bill be engrossed, and read a third time on to-morrow.

No. 12, H. R. File, "Joint Resolutions, in testimony of respect to the memory of LEWIS F. LINN, late a Senator of the State of Missouri," were read a second time.

On motion of Mr. Foley,

Ordered, That the Resolutions be engrossed, and read a third time on to-morrow.

No. 4, C. F. "A Bill to amend an act, entitled An Act, to authorize Thomas McCraney and James Churchman to keep a Ferry across the Mississippi river, at or near the upper end of the city of Dubuque," was read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Brierly,

Ordered, That No. 6, H. R. File, "A Bill to authorize Daniel C. Davis to keep a Ferry at Montrose, in Lee county," be taken from the table.

The Bill was then read a third time, and passed.

Yeas 15—Nays 9.

The yeas and nays being desired by two members.

Those who voted in the affirmative are,

Messrs. Brierly, Foley, Grimes, Hackleman, Hebard, Mitchell, McCleary, Nowlin, Robb, Roberts, Steele, Walworth, Wilson, Wright, and Carleton, Speaker.

Those who voted in the negative are,

Messrs. Bonney, Borland, Brophy, Culberston, Fay, Johnson, Rogers, Smyth, and Thompson.

So the Bill passed.

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Mitchell,

Ordered, That the petition of citizens of Scott county, praying an amendment of so much of the Revenue Law as relates to the powers



and duties of Assessors, be taken from the table, and referred to the Committee on the Judiciary.

On motion of Mr. Fay,

Ordered, That the Report of the Territorial Treasurer be taken from the table.

On motion of Mr. Rogers,

Ordered, That the Report be referred to the Committee on Finance.

On motion of Mr. Brophy,

Ordered, That the petition of citizens of Clinton county, praying the re-location of the Seat of Justice of said county, be taken from the table, and referred to the Committee on Township and County Boundaries.

Mr. Fay, on leave being granted, introduced

No. 14, H. R. File, "A Bill to repeal the Militia Laws."

Mr. Brophy, on leave being granted, introduced

No. 15, H. R. File, "A Bill to legalize Deeds, and other instruments of writing.

Mr. Johnson, on leave being granted, introduced,

No. 16, H. R. File, "A Bill to amend certain Acts, relative to Roads and Highways."

Said Bills were severally read a first time.

On motion of Mr. Fay,

Ordered, That the House do now adjourn until to-morrow morning, 10 o'clock, A. M.

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### Wednesday Morning, December 20, 1843.

Mr. Johnson presented the petition of Temperance Avery, of Des Moines county, praying a divorce from her husband Warren Avery; which was read, and on motion of Mr. Johnson referred to the Committee on the Judiciary.

Mr. Grimes presented the petition of 49 citizens of Des Moines county, praying the repeal or modification of the existing "Valuation Law."

On motion of Mr. Grimes,

Ordered, That said petition be referred to the Committee on the Judiciary.

Mr. Mitchell presented the petition of 209 citizens of Scott county, praying an amendment of "An Act entitled an Act to incorporate the Scott County Hydraulic Company."

On motion of Mr. Mitchell,

Ordered, That said petition be referred to the Committee on Incorporations.



On motion of Mr. Wilson,

Resolved, That the Committee on Military Affairs, be instructed to enquire into the expediency of amending the Law for the organization and discipline of the Militia so that

1st. Company trainings in time of peace, to be dispensed with.

2nd. All able bodied citizens over the age of eighteen years, and under the age of forty five years, shall be kept regularly Enrolled.

3rd. The Infantry to be kept regularly organized and officered.

Mr. Walworth, from the Committee on Engrossed Bills, reported No. 9, H. R. File, "A Bill to legalize the Acts of Isaac Parsons, Coroner of Louisa county, and also an acting Justice of the Peace of Jefferson Township in said county."

Also No. 12, H. R. File, "Joint Resolutions, in Testimony of respect of the late LEWIS F. LINN of Missouri," as correctly Engrossed.

No. 13, H. R. File, "A Bill to amend an Act, entitled an act, districting the Territory into Electoral districts," was read a second time.

Ordered, That said Bill be engrossed, and read a third time on to-morrow.

No. 14, H. R. File, "A Bill to repeal the Militia Laws," was read a second time.

A motion was made by Mr. Fay, that said Bill, do lie upon the table, which passed in the negative.

On motion of Mr. Brophy,

Ordered, That said Bill be referred to the Committee on Military Affairs.

No. 15, H. R. File, "A Bill to legalize Deeds, and other instruments of writing," was read a second time.

On motion of Mr. Brophy,

Ordered, That said Bill be referred to the Committee on the Judiciary.

No. 16, H. R. File, "A Bill to amend certain acts, relating to Roads and Highways," was read a second time.

On motion of Mr. Rogers,

Ordered, That said Bill, be referred to the Committee on Roads and Highways.

No. 9, H. R. File, "A Bill to legalize the acts of Isaac Parsons, Coroner of Louisa county, also, an acting Justice of the peace of Jefferson Township, in said county," and,

No. 12, H. R. File, "Joint Resolutions in testimony of respect of the late LEWIS F. LINN of Missouri," were severally read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Fay,

Ordered, That the House adjourn until to-morrow morning at 10 o'clock.



**Thursday Morning, December 21, 1843.**

A call of the House was ordered, and the roll being called, all the members answered to their names, except Messrs. Bonney, Brierly, Borland, Brophy, Culbertson, Foley, Hackleman, Hebard, Mitchell, McCleary, Nowlin, Roberts, Rogers, Smyth, Steele, and Wright.

The Sergeant-at-Arms was then directed to bring in the absentees.

After a short time, the Sergeant-at-Arms reported, that all the absentees had left the city, except Messrs. Borland, Mitchell, and Rogers—those gentlemen appearing.

A motion was made by Mr. Wilson, that the further proceedings in the call be dispensed with; which was decided in the negative. Then,

On motion,

The House adjourned until Monday the first day of January, 1844, in accordance with a resolution previously adopted by both Houses.

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**Monday Morning, January 1, 1844.**

Mr. Thompson presented the petition of Joshua Bell, of Henry county, praying to be divorced from his wife, Almina Bell; which was read, and,

On motion of Mr. Thompson,

Ordered, That said petition be referred to the Committee on the Judiciary.

Mr. Culbertson presented the petition of William Williams, of Jefferson county, praying to be divorced from his wife, Nancy Williams.

On motion of Mr. Culbertson,

Ordered, That said petition be referred to the Committee on the Judiciary.

Mr. Bonney presented the credentials of James M. Wray, member elect from the county of Van Buren, who was,

On motion of Mr. Bonney,

Sworn, and permitted to take his seat as a member of the House.

Mr. Thompson presented the petition of 52 citizens of the counties of Henry and Jefferson, praying the location of a Territorial Road, from the ford on Skunk river, at Wilson's Mill, to intersect the Road running from Fort Madison to Fairfield; said road to run via Glasgow, in Round Prairie.



Ordered, That said petition be referred to the Committee on Roads and Highways.

Mr. Thompson also presented the petition of Aaron Street, Jr., a citizen of Salem, in Henry county, administrator of the estate of Peter Boyer, deceased, praying the passage of a law, to authorize him to convey and make titles to certain lands, which belong to the estate of said deceased.

Ordered, That said petition be referred to the Committee on the Judiciary.

Mr. Steele presented the petition of Lewis Pitman, George Wolf, and twenty other citizens of Lee county, praying for the re-location of a portion of the Territorial Road, running from Fort Madison to West Point

Said petition was referred to the Committee on Roads and Highways.

Mr. Bonney presented the petition of 62 citizens of Davis county, praying the location of a Territorial Road from Lowaville, to intersect the road running from Fairfield to the Missouri line; which was referred to the Committee on Roads and Highways.

Mr. Wilson presented the petition of 15 citizens of Henry county, praying the location of a Territorial Road from Mount Pleasant, in Henry county, via Wilson's Mills, on Skunk river, Watson's Mill, on Cedar Creek and Glasgow, in Jefferson county, to intersect the road running from Fort Madison to Fairfield; which was referred to the Committee on Roads and Highways.

Mr. Grimes presented the petition of 117 citizens of Des Moines county, praying for the repeal of so much of the law regulating the issuing and serving of Executions, as requires the property taken in execution to be appraised.

Said petition was referred to the Committee on the Judiciary.

Mr. Grimes presented a letter of instruction to the Des Moines delegation, signed by 1172 citizens of said county, instructing said delegation to vote for the passage of a law, compelling the Miners' Bank of Dubuque to resume specie payment within 30 days, and in case of refusal to authorize the Judge of the District Court to appoint Commissioners to wind up the affairs of the Bank.

A question of order was raised by Mr. Hackleman, on the reception of the letter, inasmuch as the instructions were not addressed to the Legislative Assembly, but simply to the delegation from Des Moines county.

The Speaker decided that the instructions could not be received by the House, for the reason that the letter was addressed to the delegation from Des Moines county only, and not to the House, neither to the Legislative Assembly.

Mr. Johnson presented the petition of 96 citizens of Des Moines county praying the Legislative Assembly to pass a law to repeal the charter of the Miners' Bank of Dubuque, or to compel the Stockholders of said Bank to pledge real estate to secure the payment of the notes issued, or to be issued by said Bank.



The petition was laid upon the table.

A Message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

I am directed to inform the House, that the Council have ordered 480 copies of an abstract of the Territorial Treasurer's Report to be printed for the use of the two Houses.

I herewith return

An Act to amend an Act, to provide for the assessment and collection of County and Territorial revenue.

The same being signed by the President of the Council.

The Council have passed

No. 6, H. R. File, An Act to authorize Daniel C. Davis to keep a Ferry, at Montrose, in Lee county; also,

No. 12, H. R. File, Joint Resolutions, in testimony of respect of the late LEWIS F. LINN, of Missouri.

Mr. Hebard gave notice that he would, at some future day, introduce A Bill to incorporate the Trustees of the Congregational Church of Burlington.

Mr. Johnson gave notice, that he would, on some future day, introduce a Bill relative to Mechanics' Liens, and for other purposes.

Mr. Thompson gave notice, that he would, on some future day, ask leave to introduce a Bill to amend an act entitled "An Act for the incorporation of the town of Mount Pleasant, in Henry county.

No. 13, H. R. "A Bill to amend an act entitled 'An Act, districting the Territory into Electoral Districts,'" was read a third time, passed, and its title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Baker,

Ordered, That the House do now adjourn until to-morrow, at 10 o'clock, A. M.

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### **Tuesday Morning, January 2, 1844.**

The Speaker stated, that when the letter of instructions from certain citizens of Des Moines county, was presented on yesterday, it was his opinion, at the time, that inasmuch as it was directed to the Representatives from Des Moines county only, and not the House, it was not in order for it to be received—upon further reflection, although not fully satisfied that his decision was incorrect, he thought it proper and right to reverse that decision for the following reasons.

1st. Because there is some analogy between the present case, and the case of the reception, by Congress, of instructions directed to members from particular states, by the Legislatures of the same.



2nd. And mainly because, the Speaker conceives it the safer course in cases of this kind, to leave the question of reception with the House.

Mr. Grimes again, presented the instructions of the citizens of Des Moines county relative to the Miners' Bank of Dubuque.

A motion was made by Mr. Grimes that the instruction be received by the House, and laid upon the table.

Which passed in the affirmative Yeas 20.

The Yeas and Nays being demanded by two members,

All the members present voted in the affirmative.

Mr. Bonney presented the petition of 125 citizens of Davis county, praying for the organization of said county and the location of the seat of Justice thereof.

On motion of Mr. Bonney,

Ordered, That said petition be referred to the delegation from Van Buren county.

Mr. Fay presented the petition of 140 citizens of Muscatine county, praying for a charter, to erect a Dam, at the head of the Muscatine Slough.

On motion of Mr. Fay.

Ordered, That said petition be referred to a select Committee composed of the delegations from Muscatine and Louisa counties.

Mr. Hackleman presented the communication of Jonathan Eads, to the Des Moines delegation, which was read and

On motion of Mr. Rogers,

Ordered, That the communication be referred to the delegation from Des Moines county.

Mr. Brophy presented instructions from 173 citizens of Clinton county, instructing the Representatives from said county, to vote for the passage of a law, compelling the Miners' Bank of Dubuque to resume specie payment, on or before the first day of March next, or that the Bank be compelled to wind up its affairs.

On motion,

Ordered, That said instructions be laid upon the table.

Mr. Rogers presented the petition of 559 citizens, of the counties of Dubuque, Delaware and Clayton, praying that further time may be given to the Miners' Bank of Dubuque to resume specie payment.

On motion of Mr. Rogers,

Ordered, That the petition be referred to a select Committee composed of the delegation from Dubuque, Delaware and Clayton.

Mr. Brophy presented the petition of 103 citizens of Clinton county, praying the "Representatives of the people, (alias servants,) to repeal and alter the law now in existence, for the collection of debts so as to make no sum recoverable, under one hundred dollars, and that, before the District Court," also the names of 63 citizens of said county who are opposed to the passage of such a law.

The petition was laid on the table.

Mr. Smyth presented the petition of 20 citizens of Jones county



praying the passage of a law to legalize the acts of the Commissioners appointed in 1840 to run a road from Belview to Iowa City. Said petition was referred to the Committee on Roads and Highways.

Mr. Fay presented the petition of W. L. Smith of Muscatine county, praying to be divorced from his wife Susan F. Smith.

Ordered, That the petition be referred to the Committee on the Judiciary.

Mr. Smyth presented the petition of 23 citizens of Linn county, paying amendments to the existing Militia Laws.

Ordered, That said petition be referred to the Committee on Military Affairs.

Mr. Foley presented the instructions of 213 citizens of Jackson county instructing their Representative to use his exertions for the passage of a law, requiring the Miners' Bank of Dubuque to resume specie payments, within thirty days from the passage of such act, or to be compelled to wind up its affairs.

On motion,

Ordered, That said instructions be referred to the select Committee from the counties of Dubuque, Delaware and Clayton, and that the member from Jackson be added to said Committee.

On motion of Mr. Hackleman,

Resolved, That the Territorial Agent, be requested to make a communication to this House respecting the shipment of certain Locks, named in said Agent's Report, whether the same was made by the order of said Agent or by the order of Shawk's & Co.

Mr. Fay gave notice, that he would on to-morrow or some future day introduce "A Bill to amend an act to provide for changing the venue in civil and criminal cases."

Mr. Grimes, from the Committee on the Judiciary, to which was referred sundry petitions of persons praying to be divorced, made the following report:

The Committee on the Judiciary, to whom was referred the petitions of James Baxly, H. D. Britton, John Bishop, Albert Clemente, William Wetherbee, William L. Smith, Joshua Bell, William Williams, and John Prugh, praying to be divorced from their wives, and of Temperance Avery, praying to be divorced from her husband, Warren Avery, has had the same under consideration, and respectfully beg leave to report:

Your Committee has bestowed all the attention upon the prayers of the respective petitioners, which the delicacy and magnitude of the interests involved demanded, and other engagements would allow.

The enquiry which first naturally presented itself, was—Has this Legislature the power to grant divorces, admitting the necessary facts to be in evidence. And after mature consideration, we have unanimously come to the conclusion that it possesses no such power. In view of the number of petitioners, the course of past legislation, and the natural effects of precedents upon the action of future legislatures, your Committee has deemed it both proper and expedient to state



briefly to the House, the reasons that have led them to this conclusion.

All jurists unite in the opinion, that marriage is a civil contract, entered into for the happiness of the parties, and for the re-production of their species. It may be consummated, and perhaps generally is, with religious ceremonies, and by some denominations of christians, regarded as a divine ordinance, but it is nevertheless, in the eye of the law, a civil compact between the parties, conferring mutual rights and responsibilities which cannot be divested but by a judicial investigation and decision. The commentators upon the law abound in authorities upon this point, and as a doubt has been expressed by some members as to its correctness, your Committee will quote the language of some of the most popular and generally read authors.

Blackstone, in the 1st vol. 444th page of his Commentaries, holds the following language: "Our law considers marriage in no other light than as a civil contract—and taking it in this civil light, the law treats it as it does all other contracts, allowing it to be good and valid in all cases where the parties, at the time of making it, were in the first place willing to contract—secondly, able to contract, and lastly, actually did contract in the proper forms and solemnities required by law." Bacon terms it "a compact between a man and woman for the procreation and education of children." 5 Bacon's abr. 288.

It is, says Judge Reeve, in his work on the domestic relations, "a mere civil transaction, to be solemnized in such manner as the Legislature may direct." Reeve's Domestic Relations, 196.

It is defined in Rutherford's Institutes to be "a contract between a man and woman, in which, by their mutual consent, each acquires a right in the person and property of the other for the purpose of their mutual happiness, and for the production and education of children." Rutherford Just. 214.

Justice Story, in his Conflict of laws, is equally explicit upon this point, and indeed there seems to be but the one opinion among all the authors your Committee have had an opportunity of examining. See, on this subject, Story's Conflict of laws 100, 2 Kentslom 86, Walker's Introduction 232, 323, Hilliard's Elements of Law, 14.

But aside from the authorities cited, marriage cannot be regarded otherwise than as a contract upon general reasoning. It must be so from the very diffinition of the word contract. It is defined to be "a transaction between two or more persons, in which each party comes under an obligation to the other, and each reciprocally acquires a right to whatever is promised by the other." Justice Washington, in Dartm. College vs. Woodward 4, Wheat. 518, Powell on Contr. 6. It is a compact between two or more proper parties; contract based upon a consideration and consent. Fletcher vs. Peck, 6 Branch, 136. Marriage has all the essential ingredients of a contract of the highest grade—the proper parties—their consent, and a part execution. It has always been held to be a sufficient consideration for a contract—it vests in the husband a right to all the goods and chattles, and choses in action of the wife, and entitles him to the rents and occupation of her



lands. He becomes responsible for all her debts and contracts. He has a right to her person and companionship—and she is entitled to her support during his lifetime, and to dower in his real estate upon his decease. These are rights and responsibilities, created by law and the consent of the parties, which vest absolutely upon entering into the marriage compact.

Can this contract be extinguished by a Legislative enactment? Your Committee think not. First, because it would impair the obligation of the contract, and thus violate the 10th Sect. of the 1st article of the Constitution of the United States. Secondly, because it would interfere with and affect a private contract and engagement, and thus violate the 2d article of the Ordinance of 1787, the benefits of which are extended to the people of this Territory.

What is it to affect or impair the obligation of a contract within the meaning of the clauses in the Constitution and Ordinance before referred to?

This question has been satisfactorily answered by the highest tribunal in our land, upon more than one occasion. In *Green vs. Bidder*, 8 Wheat. Rep. 1, the Supreme Court of the United States say, "that any deviation from the terms of the contract by postponing or accelerating the period of the performance which it prescribes, imposing conditions not expressed in the contract, or dispensing with the performance of those which are, however minute or immaterial in their effect upon the contract of the parties impairs its obligation." It is not necessary that the terms of the contract should be specifically agreed upon, and stated by the parties for, says Justice Story in *Dartmouth College vs. Woodward*, "the constitution did intend to preserve all the obligatory force of contracts, *which they have by the general principles of law*—4 Wheaton, Rep. 518. The same doctrine has been held by the same Court in *Fletcher vs. Peck*, 6 Branch Rep. 135; *New Jersey vs. Wilson*, 7 branch 164; *Bronson vs. Kenzie* Peter's Rep., by the Supreme Court of New York, in 7 John Rep. 477.

"Any law," says Judge Story "which enlarges, abridges or in any manner changes the intention of the parties resulting from the contract, necessarily impairs it. The manner or degree in which this change is affected, can in no respect influence the conclusion, for whether the law effects the validity, the construction, *the duration*, the *discharge* or the evidence of the contract, it impairs its obligation; *a fortiori*, a law which makes the contract *wholly invalid*, or *extinguishes* it, is a law impairing it."—3 Story's Com. 341.

Now an entire dissolution of marriage surely affects the *duration* of the marriage contract. It renders it in the words of the authors before cited "wholly invalid and extinguished." It has ceased, not upon the terms and by the means contemplated at the time of its consummation, but by the interference of the legislative authorities.

Thirdly, a legislative divorce, would be an attempt to exercise a judicial power, vested exclusively in the judicial tribunals by the organic law of this Territory.



In the argument of the celebrated case just cited, of the *Connee vs. Woodward*, it was asserted, and pressed as an argument by the counsel for the defendant that legislatures could grant divorces. In answer to this Justice Story remarks "as to the case of the contract of marriage which the argument supposes not to be within the reach of the prohibitory clause, because it is matter of civil institution, I profess not to feel the weight of the reason assigned for the execution. \* \* \*

A *general* law regulating divorces from the contract of marriage, like a law regulating remedies in other cases of breaches of contracts is not necessarily a law impairing the obligation of such a contract. \* \* \*

But if the argument means to assert, that the legislative power to dissolve such a contract without any breach on either side, against the wishes of the parties, *and without any judicial inquiry to ascertain a breach*, I certainly am not prepared to admit such a power, or that its exercise would not entrench upon the prohibition of the constitution. If, under the faith of existing laws a contract of marriage be duly solemnized, or a marriage settlement made, (and marriage is always in law a valuable consideration for a contract) it is not easy to perceive why a dissolution of its obligations may not fall within the prohibition, as any other contract for a valuable consideration. A man has just as good a right to his wife as to the property acquired under a marriage contract. He has a legal right to her society and her fortune, and to divert such right without his default and against his will, would be as flagrant a violation of justice as the confiscation of his own estate." Says Chancellor Kent "the question of divorce involves investigations which are properly of a judicial nature, and the jurisdiction over divorces ought to be confined exclusively to the judicial tribunals, under the limitations to be preserved by law."—2 Kent's Com. 105.

From this it must be inferred that a legislative divorce would not only violate the contract, but would be an encroachment upon the prerogatives of the judiciary, in whom, with us, all judicial power is vested. The duty and right of the legislature is to declare what the law should be, and their action is always presumed to precede the action upon which that law should operate. Their acts are always presumed to affect and operate upon conduct *in futuro*. The judiciary decide upon acts that have been committed, and are governed in their judgments by the law in force at the time of their commission. By granting a divorce, the legislature decides that one of the parties has failed to fulfil his contract; they pronounce a judgment upon a past contract which operates *in presenti*, without first deciding what shall be the causes for divorce or giving notice to the opposite party. Can this be other than an attempt to exercise judicial power? Would it not impair and affect the obligation of the contract, and violate the first principles of national right and justice?

Precedent is urged as authority for granting divorces. It is said that the most usual way in some States, and in others, the only way to obtain divorces is by legislative enactment, your Committee admit the fact stated, but deny the authority deduced from it. The Councils



and Legislatures of the American colonies, whilst under the dominion of Great Britain, were like the British Parliament, omnipotent so far as their legislation regulated or related to their municipal affairs, subject only to the ratification of the King and his Council. They exercised a judicial as well as a legislative authority, and now in most, if not in all, of the New England States Legislature is known both in the Statute book, and in common parlance as the "*general court*." At the formation of the constitution, each State surrendered some of its power, as for example the right to pass *ex post facto* laws, and laws impairing the obligation of contracts, but each retained all the attributes of sovereignty and omnipotence that were not expressly surrendered or vested in the General Government. Among the rights retained by the States was the power to establish such judicial tribunals as might be deemed necessary, to invest in them their jurisdiction and to regulate the internal policy of the State generally. Each State might confer jurisdiction of divorces and alimony upon such courts or persons as might be thought proper. In Massachusetts it is by the Constitution conferred upon the Government and Council, in some States upon the courts of chancery, and in others cognizance of them is retained by the legislature, but not until there has been a judicial investigation, as your Committee apprehends.

Fourthly. The petitioners have not brought themselves within the jurisdiction of any Territorial tribunal. We are aware that there is a very great conflict in the law in relation to this subject of jurisdiction, but so far as the cases of the petitioners are concerned there can be no doubt. The English courts have invariably held that the *lex loci contractus* prevailed in relation to marriage, and that a divorce could only be obtained from their courts and for the causes allowable by their laws. The decisions are numerous that an English marriage cannot be dissolved by a foreign Court. Ferguson on Marr. and Div. 183, 290. See cases cited in note to Story's conflict of laws, 180. In several of the United States, it has been decided that the *lex domicilii* governs, and that divorces can be obtained in foreign countries and States. But it seems to be an inflexible rule, that the parties must be residing in such foreign country with what the law terms the *animus remanendi*. The case of Jackson vs. Jackson, 1 Johns' Rep. 424, seems to be conclusive on this point.—There the marriage was solemnized in Conn.; the husband went to Vt. and obtained a divorce against his wife, who never resided there; it was held that the divorce was void, as a fraud upon the law of Conn. where the parties were married. It was further held, that there could be no jurisdiction over the case in Vt., both parties not being within the State.

It is well settled law that where a party obtains a divorce in a State to which he had removed for the express purpose of obtaining it, it is void. Jackson vs. Jackson, 1 Johns' Rep. 424; Hanover vs. Turner, 14 Mass. Rep. 227. So, also, a divorce was held to be null and void, obtained in another State by the husband when the wife resided out



of the State, and had no notice of the proceedings. *Bardon vs. Fitch*, 15 Johns' Rep. 121.

Now, admit that the Legislature can in some cases rightfully dissolve a marriage, and apply those principles of law to the cases before us, admit the facts alleged in the petitions are true and have been satisfactorily proved, could the petitioners then obtain divorces? Not one of them has shown notice to the party complained of, actual or constructive, not one has ever alleged that he is a citizen of the Territory, and all have shown that their marriages were solemnized in foreign States, and that all the delinquents but one are non-residents. No one can doubt but that a divorce obtained under such circumstances from either a Court or a Legislature, would be wholly nugatory and void. It would be a violation of the first principles of justices as well as law.

For the sake of showing the impropriety and futility of granting these divorces even if we had the power, your committee have admitted what does not really exist. No facts are in evidence before the committee or the House, nothing, but a bare statement purporting to come from one of the parties without even the sanction of a judicial oath, and for the want of evidence, if for no other reason, they ought not to be granted.

Fifthly. But there are, if possible, more weighty objections still—objections founded upon the utter inexpediency and futility of legislative action to dissolve the marriage tie. Every one who reflects for a moment, must concede that this is the most inappropriate place conceivable to bestow that care and attention which the importance of the subject demands. The functions of this body are purely legislative and not judicial. It is convened for the purpose of declaring what the law shall be and not whether it has been violated. It is limited in its session to a time, scarcely long enough for the proper discharge of our legitimate legislative duties. It is composed of two bodies and 39 members; none of whom profess to be able to examine the multifarious facts and legal questions which necessarily grow out of applications for divorce. We have none of the appliances and instruments of Courts of Justice to enable us to ascertain in a proper manner the true state of the facts—the truth or falsity of the statements of either party—or to settle questions of conflicting and contradictory evidence. We cannot know, nor inform ourselves of the respective relations, rights and duties of the parties—what was the condition of them when they became united—what property either of them then possessed—what settlements, if any, were made or what contracts were entered into in consideration of marriage.

We cannot know or ascertain their present condition—what amount of property either party may be possessed of—what is the number and what the wants of their children, nor can we determine in what manner the children should be disposed of and provided for, or what provision in the nature of alimony ought to be made for the wife or which



of the parties is the suitable person to have the custody of the children, and the care of their education.

Such are some of the questions which must be decided and settled in cases of divorce. Such are some of the relations, rights and duties which we are asked to investigate and dispose of—questions which we are utterly incapacitated by our constitutional organization, properly to scrutinize and understand.

With no light but the partial, highly-colored and perhaps unfounded complaints of one of the parties, and no guide but *ex parte* testimony obtained perchance by fraud or corrupted by bribes, shall we assume upon ourselves to put an end to the most solemn of all earthly compacts—that which lies as the very foundation of all order and of all civilized institutions?

Shall we thus blindly and brutally sever the tenderest of all ties—break up and destroy whole families—turn the tender wife from the protection of him in whom she had garnered up all her hopes of happiness, and from whom she has an undoubted right to claim protection, support and a home? Shall we unhouse the offspring of every discontented parent and turn them upon the charity of the world, to grow up in ignorance and vice? Every friend of humanity answers no. Yet we hazard nothing in saying that such consequences may have ensued in every divorce heretofore granted by this body, and that such consequences may always ensue upon a legislative divorce.

Your committee think they hazard nothing in expressing the opinion that in nineteen out of twenty of the applications made for divorces, the whole difficulty has arisen from some trivial misunderstanding between the parties—some difference of tastes—some incompatibility of temper or some frivolous quarrel originating in passion and kept alive by stubbornness. The remedy of such should be sought only in the reformation of their own manners and conduct. Let them pursue the path of duty, exercising that meekness, patience and kindness, which our holy religion inculcates, and which they have at the altar solemnly pledged to each other, and we apprehend that they will never have occasion to apply to any tribunal for a divorce.

Your committee are far from believing that there are no good grounds for a divorce from the bonds of matrimony. We believe there are, and do not question but that a judicial tribunal would decree one to some of the applicants upon the proper testimony being made.—But we do believe that they should be granted only for the most substantial reasons; for we believe that nothing tends so strongly to corrupt the public morals—to undermine parental authority and to debase and vitiate conjugal affection as a loose system of granting divorces. Passion, interest and caprice will suggest daily motives for a dissolution of marriage, and the most tender and sacred of all human institutions will be degraded into a transient connexion of profit and pleasure. The enjoyment and transmission of property will be rendered insecure and in time the whole social and moral fabric of society subverted. We believe that christianity and the best interests of so-



ciety require that the connexion between husband and wife should be considered, as far as possible, indissoluble. We believe that where there are substantial causes for a divorce, it should be sought only from a judicial tribunal, where the parties interested can have an opportunity of appearing and being heard, and that it should then be granted only after the severest investigation and scrutiny.

We believe it particularly important that a correct tone of public sentiment should prevail upon this subject. As yet, with us precedent has not acquired the force of law. Society and law are somewhat in a chaotic state. They will soon take form, and their comeliness in no inconsiderable measure will depend upon the action of this Legislature. If it be once understood that the Legislature of this Territory after mature consideration has concluded that it is both legal and expedient to annul marriage contracts by legislation, the consequences will be baneful to the political as well as the social and moral condition of the people. Our legislature will become a kind of marital pool of Siloam where all the ills of matrimony will be washed away, where the lame and halt from all the States will seek relief from those bonds which they have voluntarily contracted, whenever that relief would be denied them at home, and thus not only a fraud be practiced and encouraged upon the other party and the laws of that State, but the time of the Legislature unprofitably squandered. Therefore,

Resolved, That the Legislative Assembly of this Territory is not invested with the power to grant divorces from the bonds of matrimony.

Resolved, That in the opinion of this House, admitting such power to exist, any special legislative action upon the subject of divorces would be highly inexpedient and improper.

Resolved, That the petitioners have leave to withdraw their petitions.

The question being taken on the adoption of the first resolution, it passed in the affirmative—Yeas 16, Nays 7.

The yeas and nays being desired by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Brophy, Culberston, Foley, Grimes, Hebard, Johnson, Robb, Roberts, Smyth, Steele, Thompson, Wilson, Wray; and Carleton, Speaker.

Those who voted in the negative are,

Messrs. Bonney, Borland, Fay, Hackleman, McCleary, Rogers, and Wright.

The question was then taken separately, on the adoption of the second and third resolutions, and passed in the affirmative—all the members present voting therefor.

Mr. Hebard, from the Committee on Enrolled Bills, reported

An Act to authorize Daniel C. Davis to keep a Ferry at Montrose, in Lee county, as correctly enrolled.

The Speaker then signed said Act.

Mr. Hebard, in accordance with notice given on yesterday, reported



No. 17, H. R. file, "A Bill to incorporate the Board of Trustees of the Congregational Church of Burlington."

Which was read a first time.

No. 1, H. R. File, "A Bill to repeal the Charter of the Miners' Bank, and to provide for winding up the affairs of the same," was read a second time.

On motion of Mr. Johnson,

Ordered, That the further consideration of the bill be postponed until Monday next.

A Message from the Council, by Mr. Wallace, their Secretary:

MR. SPEAKER:

I am directed to present for your signature:

An Act to amend an act entitled An Act to authorize Thomas McCraney and James Churchman to keep a Ferry across the Mississippi river, at or near the upper end of the city of Dubuque.

The Council have passed

No. 9, H. R. File, "A Bill to legalize the acts of Isaac Parsons, corner of Louisa county, and also an acting Justice of the Peace of Jefferson Township, in said county. Also,

No. 8, C. file "A Bill to amend an act entitled An Act to authorize R. M. G. Patterson to establish and keep a Ferry across the Mississippi river, at the mouth of the Nassau Slough.

In which the concurrence of the House is requested.

I herewith return

Joint Resolutions in testimony of respect to the late LEWIS F. LINN, of Missouri.

The same having been signed by the President of the Council.

And then he withdrew.

The Speaker signed the Act presented for his signature.

No. 3, H. R. File, "A Bill to authorize Hugh Boyle and Ralph Bissell to erect a dam across Skunk river, in Henry county," was read a second time.

A motion was made by Mr. Wilson, that the word "five" in the 22d line of the first section be stricken out and the word "four" inserted; to which the House agreed.

A motion was made by Mr. Steele, that the Bill be engrossed and read a third time on to-morrow; when

Mr. Baker made a motion, that the Bill do lie upon the table.

Which question having the precedence, was put, and decided in the affirmative.

No. 11, H. R. file, "A Bill to provide for assessing and collecting Public Revenue," was read a second time.

On motion of Mr. Rogers,

Ordered, That said Bill be referred to the Committee on Finance.

No. 8, C. File, "A Bill to amend an act entitled 'An Act to authorize Robert M. G. Patterson to establish and keep a Ferry across the Mississippi river, at the mouth of Nassau Slough,'" was read a first time.

Mr. Grimes, from the Committee on Incorporation, reported



No. 18, H. R. file, "A bill to amend an Act entitled An Act to incorporate the Scott County Hydraulic Company;" which was read a first time.

On motion of Mr. Johnson,

Ordered, That the House do now adjourn until to-morrow morning at 10 o'clock.

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**Wednesday Morning, January 3, 1844.**

Mr. Foley presented the instructions of 96 citizens of Jackson county, instructing their Representative to use his exertions to procure the passage of a law, compelling the Miners' Bank of Dubuque, to resume speci payments by the first day of April next, or to wind up its affairs.

Mr. Foley also presented the instructions of 27 citizens of Jackson county, instructing their Representative to use his exertions to procure the passage of a Law, compelling the Miners' Bank of Dubuque to wind up its affairs by the first day of April next.

Ordered, That said instructions be referred to the select Committee composed of the delegations from Dubuque, Clayton, Delaware and Jackson counties.

Mr. Brierly presented the petition of 64 citizens of the town of Keokuk, in Lee county praying that a charter to keep a Ferry at said town, be granted to Doct. John O'Hara.

Ordered, That said petition be referred to the delegation from Lee county.

Mr. McCleary presented the petition of the heirs and administrator's of John Jones deceased and also of the Stockholders, of Grandview Seminary praying the passage of a law, authorizing the administrators of said Jones to make a deed to the Trustees of the Grandview seminary, for two lots of ground, in the town of Grandview in Louisa county.

Ordered, That said petition be referred to the Committee on the Judiciary.

Mr. Nowlin presented the petition of 44 citizens of the county of Delaware, praying for the Judicial Organization of said county.

Ordered, That said petition be referred to the delegation from Dubuque, Delaware and Clayton.

Mr. Hebard from the Committee on Enrolled Bills reported "an act to legalize the acts of Isaac Parsons, Coroner of Louisa county, and also an acting Justice of the peace of Jefferson Township in said county," as correctly enrolled.

Mr. Thompson from the Committee on the Judiciary, who were



instructed to enquire into the Expediency of so amending the present law of this Territory as to limit and confine Jurisdiction of Justices of the peace, and constables to the respective Townships in which they were or may hereafter be elected, made the following report.

By the sixteenth section of the first article of "an act to provide for the election of Justices of the Peace, to prescribe their powers and duties and to regulate their proceedings," approved Feb. 9th 1843, it is declared that, "the jurisdiction of Justices of the peace shall be co-extensive with their respective counties." And by the eighteenth section of the second article of the same Act it is declared that, "the authority of constables to serve process issued by Justices of the Peace, shall be co-extensive with the county in which they are elected." To these provisions there is no restriction, in the territorial extent of their jurisdiction, whatever. So whenever a Justice of the Peace gets an action brought before him, his jurisdiction is immediately extended to the county; and having a right to send his process into any part of the County, the Constable (or any Constable of the same County) has a right, and is compelled to go there and serve it.

It is true, that by the thirty first section of the first Article, it is directed that actions cognizable before a Justice of the Peace, instituted by *summons* or *warrant*, shall be brought before some Justice of the Township either, first—wherein the Defendant resides; or second—wherein the Plaintiff resides, or third—wherein the Defendant may be found. But this amounts to nothing more, when taken in connection with the former provisions, than a direction, that actions instituted in a certain manner, shall be brought, or located, in a certain specified part of the County; without any limitation or restriction of the jurisdiction previously granted.

If the direction contained in the thirty-first section, had not been given, it is plain that a creditor would have been permitted to sue his Debtor before any Justice in the County. It is equally plain that the places where the Creditor would most naturally and probably bring his suit, are the same specified in this direction, admitting this direction never to have been given. Indeed it is hard to conceive motives to induce a creditor, actuated by a laudable zeal to secure and facilitate the collection of his debts, to sue his debtor in any other than some of the places specified. The law, then in effect, remains precisely as the sixteenth section left it—extending the jurisdiction of Justices of the Peace and Constables virtually to the entire County.

Your Committee are of opinion therefore, that the thirty first section of the first Article, containing said direction ought to be repealed and assign this additional reason. The proceeding direction applies to actions instituted by Warrant as well as those by summons. Now it is evident that while this restriction to the three particular places specified, leaves the creditor free to institute his suit by summons in the places most natural and probable, it precludes him from instituting an action by Warrant in any other than the places specified.

And it is equally evident that circumstances might, and do frequent-



ly occur, rendering it absolutely necessary that a warrant should be issued by a Justice of the Peace, and served by a Constable on the debtor without reference to his residing in the same Township with the Plaintiff or Defendant, or where the Defendant might chance to be found.

But, while your Committee are of opinion that the jurisdiction of Justices of the Peace and Constables in all actions instituted by warrants should extend to the entire County, they are equally of opinion that in all actions instituted by summons, their jurisdiction ought to be restricted to their Townships or precincts.

Your Committee are aware that there are objections made to this, by those who have large amounts of Debts standing out, and sometimes by incumbents of these offices who reside in the principal Towns and villages of our Territory. This is very natural. The objection of the former assumes that it is extremely hard for them, after having been kind enough to trust a man, to be necessitated to go to his own township to institute a suit against him. This is answered, first, by the fact that men in business rarely trust without first having ascertained whether they can collect without suing, and generally whether they can or not, they sell the accommodation at an allowance sufficient to indemnify them for collecting, and

Secondly, by the fact that so far from its being a hardship to the creditor, it is conceived to be to his real interest and advantage. The grand object of suing, is to facilitate and secure the payment of debts. It appears to your committee quite obvious, that a debtor sued in his own Township—in the immediate vicinity of his neighbors and friends, would be much more likely to secure the debt by taking the stay of execution or otherwise, than if sued in some other Township, remote from his friends and the means of security.

And a Judgement procured in the Township where the debtor resides, would be more promptly and efficiently executed than one obtained elsewhere; because, the officers charged with the execution, are necessarily more cognizant with the pecuniary circumstances of the debtor, and could watch for and obtain the means of satisfying it with greater certainty, than those of other Townships and other parts of the County. These considerations we think at least neutralize the objection.

The objections made by incumbents of office proceed entirely from selfishness without even the poor semblance of justice. We shall therefore not attempt an answer.

But, the principal reason that your Committee urge in favor of the proposed restriction, is, that any greater extension of Jurisdiction operates as a peculiar and unnecessary oppression to the unfortunate debtor.

It is true that this class of individuals is more numerous than that of creditors. Their rights are as dear to them as are those of the creditors to him—and they are as much to be shielded from oppression, as the creditor himself.



In a majority of cases, individuals permit themselves to be sued for what they owe, only from misfortune and necessity. And in most cases when individuals have been sued in other townships than the one in which they reside, the costs have been accumulated to double the amount of the debt sued for, and to more than quadruple their amount had the suit been instituted in the Township where the debtor resided. And this from necessity. For an officer who is not bound to the debtor by any of the ties that bind one resident of a Township to another—One neighbor to another, will seldom take much pains to put it in the power of the debtor to come forward without process, and pay the debt or confess judgement and save costs.

They will much more seldom remit any costs that may have accrued, which is frequently done in cases of great hardship brought in the debtor's Township, both by officers and witnesses, and with but very little hardship or inconvenience to themselves. But when officers have to travel all over the county in order to serve process; and when witnesses have to be dragged from one side of the county to the other, they must, they will be paid.

Your Committee think, that all costs unnecessarily accumulated and expended, are that much clear loss to the community.

Therefore they are of opinion, that the law, as it now stands, is unjust to the creditor, oppressive to the debtor, and contrary to good policy;—it should be altered, so as to confine the jurisdiction of Justices of the Peace and Constables, in all actions commenced by summons only, to their respective Township, and to extend their jurisdiction in all actions commenced by warrants to the entire county; and for that purpose beg leave to report the following entitled bill:

No. 19, H. R. File, "A Bill to confine the jurisdiction of Justices of the Peace and Constables, in certain cases, to their own Townships, and amendatory of an act entitled An Act to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings," approved Feb. 9th, 1843.

Which was read a first time.

On motion of Mr. Robb,

Ordered, That 50 copies be printed.

No. 8, C. F. "A Bill to amend an act entitled An Act to authorize Robert M. G. Patterson to establish and keep a Ferry across the Mississippi river, at the mouth of Nassau Slough, was read a second time.

On motion of Mr. Brierly,

Ordered, That said Bill do lie upon the table.

No. 17, H. R. File, "An Act to incorporate the Board of Trustees of the Congregational Church of Burlington," was read a second time.

A motion was made by Mr. Johnson, that the word "ten" in the last line of the first section be stricken out, and the word "fifteen" inserted.

Which was agreed to.

A motion was made by Mr. Baker, that the bill do lie upon the table.

Which passed in the negative.

Yeas 13, Nays 13.



The yeas and nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Foley, Hackleman, McCleary, Rogers, Smyth, and Wray.

Those who voted in the negative are,

Messrs. Grimes, Hebard, Johnson, Mitchell, Nowlin, Robb, Roberts, Steele, Thompson, Walworth, Wilson, Wright, and Carleton, Speaker.

So the Bill was not laid upon the table.

A motion was made by Mr. Hebard, that the bill be engrossed, and read a third time on to-morrow; which passed in the affirmative.

Yeas 16, Nays 10.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brierly, Culbertson, Grimes, Hebard, Johnson, Mitchell, Nowlin, Robb, Roberts, Smyth, Steele, Thompson, Walworth, Wilson, Wright, and Carleton, Speaker.

Those who voted in the negative are,

Messrs. Baker, Bonney, Borland, Brophy, Fay, Foley, Hackleman, McCleary, Rogers, and Wray.

No. 18, H. R. File, "A Bill to amend an act entitled An Act to incorporate the Scott County Hydraulic Company," was read a second time.

A motion was made by Mr. Rogers, that the enacting clause of the Bill be stricken out.

During the pendency of which question,

On motion of Mr. Robb,

Ordered, That this House do now adjourn until to-morrow morning at 10 o'clock.

#### **Thursday Morning, January 4, 1844.**

Mr. Johnson gave notice, that he would, on some future day, ask leave to introduce

"A Bill to incorporate the Burlington Mechanics' Institute."

Mr. Bonney gave notice, that he would, on to-morrow, ask leave to introduce

"A Bill for the relief of Thomas Summerline Collector for Van Buren county."

Mr. Bonney also gave notice, that he would, on some future day, introduce

"A Bill to incorporate an Academy and High School in the town of Farmington."



Mr. Walworth, from the Committee on Engrossed Bills, reported No. 17, H. R. file, "An Act to incorporate the Board of Trustees of the Congregational Church of Burlington," as correctly engrossed.

Mr. Hebard, from the Joint Committee on Enrolled Bills, reported That the Committee did, on the 3d inst., present to the Governor, for his approval, "An act to amend an act entitled An Act to provide for the assessment and collection of County and Territorial revenue;" also, Joint Resolutions, in testimony of respect to the late LEWIS F. LINN, of Missouri.

No. 7, H. R. File, "An Act to change the time of holding the General Elections," was read a second time, and, according to a previous order,

The House resolved itself into a Committee of the whole House upon said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Hackleman reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same to the House with an amendment. The amendment was concurred in.

A motion was made by Mr. Grimes, that the further consideration of the Bill be indefinitely postponed.

Which passed in the negative. Yeas 12, Nays 14.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brophy, Fay, Grimes, Hebard, Johnson, Mitchell, Robb, Smyth, Steele, Thompson, Walworth, and Wilson.

Those who voted in the negative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Foley, Hackleman, McCleary, Nowlin, Roberts, Rogers, Wright, Wray, and Carleton, (Speaker.)

So the House refused to indefinitely postpone said Bill.

A motion was made by Mr. Bonney, that the Bill be engrossed and read a third time on to-morrow; which passed in the affirmative.

Yeas 14, Nays 12.

The yeas and nays being desired by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culberston, Foley, Hackleman, McCleary, Nowlin, Roberts, Rogers, Wray, Wright, and Carleton, Speaker.

Those who voted in the negative are,

Messrs. Brophy, Fay, Grimes, Hebard, Johnson, Mitchell, Robb, Smyth, Steele, Thompson, Walworth, and Wilson.

No. 17, H. R. File, "A Bill to incorporate the Board of Trustees of the Congregational Church of Burlington," was read a third time.

A motion was made by Mr. Thompson, that said Bill do lie upon the table, which passed in the negative.

Yeas 12—Nays 14.

The yeas and nays being desired by two members,

Those who voted in the affirmative, are,



Messrs. Baker, Bonney, Borland, Brophy, Culberston, Fay, Foley, Hackleman, Rogers, Smyth, Thompson, and Wray.

Those who voted in the negative are,

Messrs. Brierly, Grimes, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Steele, Walworth, Wilson, Wright, and Carleton, (Speaker.)

So the House refused to lay the Bill upon the table.

The question then recurred on the passage of said Bill.

Which passed in the affirmative. Yeas 15, Nays 11.

The yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Brierly, Borland, Grimes, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Steele, Walworth, Wilson, Wright, and Carleton, (Speaker.)

Those who voted in the negative are

Messrs. Baker, Bonney, Brophy, Culbertson, Fay, Foley, Hackleman, Rogers, Smyth, Thompson, and Wray.

So the Bill passed, and its title was agreed to.

Ordered, That the Clerk acquaint the Council therewith.

The House resumed the consideration of No. 18, H. R. file, "A Bill amendatory of an act to incorporate the Scott County Hydraulic Company.

A motion was made by Mr. Rogers, that the enacting clause of said bill be stricken out, when,

Mr. Mitchell moved, that said bill do lie upon the table.

Which question having the precedence, was put, and passed in the negative.

Yeas 10—Nays 16.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative, are,

Messrs. Brierly, Grimes, Hebard, Mitchell, Robb, Roberts, Steele, Walworth, Wilson and Carleton, (Speaker.)

Those who voted in the negative, are,

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Fay, Foley, Hackleman, Johnson, McCleary, Nowlin, Rogers, Smyth, Thompson, Wray and Wright.

So the House refused to lay said Bill upon the table.

A motion was made by Mr. Robb, That the House do now adjourn which passed in the negative.

Yeas 9—Nays 17.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are,

Messrs. Brierly, Hebard, Mitchell, Robb, Roberts, Steele, Walworth, Wilson and Carleton, (Speaker.)

Those who voted in the negative, are,

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Fay, Foley, Grimes, Hackleman, Johnson, McCleary, Nowlin, Rogers, Smyth, Thompson, Wray and Wright.



So the House refused to adjourn.

On motion of Mr. Mitchell,

Ordered, That said bill be referred to a Select Committee.

Messrs. Mitchell, Grimes, and Thompson were appointed said Committee.

A message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

The Council have passed

No. 9, C. F. "A Bill to locate a Territorial Road from Keosauqua, in Van Buren county, to the western line of Appanoose county.

In which I am directed to ask the concurrence of the House.

I herewith return

An Act to legalize the acts of Isaac Parsons, Coroner of Louisa county, also, an acting Justice of the Peace of Jefferson Township, in said county; also,

An Act to authorize Daniel C. Davis to keep a Ferry, at Montrose, in Lee county.

The same having been signed by the President of the Council.

And then he withdrew.

No. 9, C. F. "A Bill to locate a Territorial Road from Keosauqua, in Van Buren county, to the western line of Appanoose county, was read a first time.

On motion of Mr. Bonney,

Ordered, That Mr. Wray be appointed a member of the following Committees of the House:

On Expenditures;

On Townships and County Boundaries;

On Agriculture.

And then the House adjourned until to-morrow morning at 10 o'clock.

### Friday Morning, January 5, 1844.

The yesterday's proceedings having been read,

A motion was made by Mr. Thompson, that the House do now adjourn until to-morrow morning at 10 o'clock, which passed in the affirmative.



**Saturday Morning, January 6, 1844.**

Mr. Culbertson presented the petition of 79 citizens of Jefferson county, praying the Legislative Assembly to pass a law to authorize the citizens of the Territory, to express their opinion relative to the formation of a State Government.

Which was read, and laid upon the table.

Mr. Baker presented several petitions of citizens of Washington and Mahaska counties, praying the establishment of a Territorial Road from Brighton, in Washington county, to the Seat of Justice of Mahaska county.

Ordered, That said petitions be referred to the Committee on Roads and Highways.

Mr. Mitchell presented the petition of 95 citizens of the county of Scott, praying the establishment of a Territorial Road from Iowa City, to the town of Davenport, in Scott county.

Which was read, and laid on the table.

Mr. Brophy gave notice, that he would, on Monday next, introduce Joint Resolutions, to provide for the payment of the reports of the Supreme Court, furnished under Joint Resolutions adopted at the last session of the Legislative Assembly.

Mr. Culbertson gave notice, that he would, on Monday, or some day thereafter, introduce

A Bill to legalize the acts of James T. Harden, as Recorder of Deeds and other instruments of writing, for Jefferson county.

Mr. Thompson gave notice, that he would, on some future day, introduce a Bill vesting in married women all property acquired by them, in their own right, either before or after marriage.

Mr. Baker gave notice, that he would, on Monday next, or on some day thereafter, introduce a Joint Resolution relative to Post Routes.

Also, That he would on Monday next, or some subsequent day, introduce a Bill for an act relative to incorporated Religious Societies.

Also, that he would on the same day introduce a Bill to regulate the fees of County Surveyors.

Also, a Bill to amend an Act entitled An Act for the election of Constables, and defining their duties, approved Jan. 24th, 1839.

Mr. Grimes gave notice, that he would, on some day hereafter, introduce

A Bill to amend an act entitled An Act defining the powers and duties of the Supreme Court.

Mr. Brophy, from the Committee on Incorporations, to whom was referred the petition of citizens of Scott county, praying an amendment



of the Charter of the Scott County Hydraulic Company, made a report adverse to the prayer of said petitioners, which was read as follows:

Your committee find that during the last session of the Legislature a law was passed, approved 24th January 1843, by which Antoine Le Clair, George L. Davenport, and others associated with them, were created a body corporate and politic by the name and style of the Scott Co. Hydraulic Company. The object of this incorporation as appears from an inspection of the act itself, is professedly to create near the town of Davenport, in Scott County, a water power sufficient for milling and manufacturing purposes. The Law gives to the corporation the privilege of taking the waters of the Mississippi from some point on the Upper or Rock Island Rapids, in said County, in such quantity as the company shall deem meet. And convey them to, or near Davenport, and there to erect mills, factories, &c. The privileges thereby granted, are in terms exclusive. That the company shall have power to take from the Mississippi River, sufficient water for the purpose &c. The company is the sole and exclusive Judge as to the amount of water necessary for their purpose &c. They may judge, that all the surplus water of the Mississippi, over and above what may be necessary for the purpose of navigation will only be sufficient. It must follow then as a matter of course, that if any other company or individual had the common right of using the water at the same time and point, the privileges hereby granted would be worthless, because, that other company or individuals might deem the whole surplus water only sufficient for their or his purpose. Hence from the necessity of the case, as well as from the terms of the grant, the privileges thereby vested in this corporation are to the exclusion of the rights and privileges of all and every other person. The rights and privileges thus conferred are made private property, in other words, the company shall have power to sell, lease, rent, or otherwise dispose of the water power precisely as individuals could, or might dispose of their private property. The company may also purchase and hold real estate to any amount deemed by the company necessary to the successful prosecution of their enterprise. The whole subject is left entirely and exclusively at the discretion of the corporation, with the single exception of the amount of the capital stock being limited. The annual profits may indeed exceed that amount. Yet the only power retained by the Legislature over this corporate body, is to alter or repeal the charter at pleasure. This power and control, the bill under consideration proposes to take away, or abrogate. In other words, to take away from the Legislature all power and control over this institution the moment ten thousand dollars are subscribed and paid in, upon the performance of that condition within the time prescribed, the corporate body is immediately and as completely placed beyond Legislative control as if existing in some foreign nation. It is worthy of serious consideration whether Institutions of this character should at any time be tolerated in Governments instituted like ours, but the question expands into almost in-



conceivable magnitude, when it is proposed to cut loose such an institution from all Legislative supervision. The theory of corporations in monarchical governments is, that a portion of the rights, prerogatives and privileges of the crown are vested in an association of individuals for certain purposes. Hence the subject of Monarchs can with perfect propriety advocate the doctrines of incorporations, because the rights accumulated in the crown are distributed among the people. Every philanthropist should rejoice when rights and prerogatives are wrested from the Monarch and given to the subject. The charter of King John, more generally known as the Magna Charta is of this character. The Barons of England wrested that great charter of human liberty from the hands of that weak and vacillating monarch at the point of the sword. And even Americans look upon that act as one of the most glorious achievements in the annals of English History. Why do we look upon that charter with so much admiration. Surely, not because it confers peculiar privileges upon the mass of the people; for history informs us that the Barons were the immediate gainers by that revolution, whilst the mass of the people were still held in bondage, yet it was a mighty stride in the march of liberty, because it wrested power from the crown, and distributed it among the subjects. So in every other struggle and revolution in England, they have all been favorable to liberty; because they have all tended to secure to the people greater rights and privileges, and consequently more enlarged liberty.

In this country the theory of corporations is entirely different.—Here it is taking the rights, powers and privileges of the people, and vesting them exclusively in one or more individuals. Hence, every incorporation must be to the prejudice of the great mass of the community. The same reasons therefore that would induce an Englishman to advocate corporate institutions, should stimulate every American and particularly every American Legislator, to scrutinize with the utmost care all acts purporting to confer upon companies and associations of individuals, rights and privileges exclusive in their character; if the above principles be correct, what will be their application to the case under consideration. The 8th section of the charter provides that the company shall have power to take from the Mississippi River, "sufficient water for their purpose at such point on the Upper or Rock Island Rapids, in Scott County, as they may deem proper," &c. It is doubtless known to all, that these rapids are about sixteen miles from the head thereof to Davenport. It is at the discretion of this company to take the water out at any point along the rapids; they may determine to take out the water at the head of the Rapids. This company has therefore the exclusive privilege of the use and enjoyment of that immense water power—equal to any in North America. The enquiry naturally arises, what is the consideration of this immense grant. It will be observed that the only consideration is that ten thousand dollars shall be subscribed and paid in. This whole vast power which be-



longs to the mass of the people, is bartered away for the insignificant consideration of having ten thousand dollars paid into the corporation. No obligation rests upon the company to subscribe, or pay another dollar, beyond the sum specified, or to do a single act in furtherance of the ostensible object of the charter. And yet those interested have the assurance to ask this body to place this great interest beyond all Legislative control. It is respectfully asked whether this honorable body is prepared thus to trifle with the rights of their constituents. Are these rights and privileges of so insignificant a consideration that they may be thus thrown away upon an irresponsible and soulless corporation. If so, then indeed was American Liberty, purchased at a price infinitely beyond its worth.

Again this charter provides that the company shall have the power to purchase and hold in their corporate name any grounds for the purpose of carrying out the objects of the incorporation. Suppose the company should conclude to take the water out at the head of the rapids they may purchase and hold all such lands along the route as they may deem necessary to convey the water to the point of destination. And surely a quarter section running along the route would not be deemed unreasonable. Take that as the standard then, the company may hold along the route sixteen miles, exclusive of the land necessary to their mills &c., about five thousand acres of land. This however is but a moiety of the lands and real estate they may hold. It is respectfully submitted, whether it is either the part of prudence or policy to confer such vast privileges upon a corporation, that corporation too entirely and absolutely beyond the power and control of the Legislature.

There is another view of this subject. From the most authentic information, the Rock Island Rapids can never be improved for purposes of navigation by enlarging or deepening the channel, except at a vast expense. The whole West—and especially Iowa Territory, is deeply interested in the removal of the obstructions to the navigation of the Mississippi River. If these Rapids cannot be made navigable by enlarging the channel, in what manner can the navigation over these Rapids be effected. In no other way than by cutting a canal along the west bank of the river. Now look at the predicament in which the whole community is involved. This corporation for the consideration above stated, have secured the exclusive privilege of constructing a canal along this whole route. They have also, the privilege of purchasing the land along the whole distance. It will, therefore be perceived, that the improvement of the Rapids by canalling around them is impossible, unless the Government complies with the terms of this corporation; and all, because this body had the improvidence to place the whole matter beyond the control of all Legislative action. Taking the most probable view of the whole subject, it cannot be regarded but with great suspicion.

In conclusion, the minority of your Committee would say, that it cannot recommend the passage of this Bill in any form, or terms in



which it can be proposed. But on the contrary, it would most respectfully recommend that a bill be introduced to repeal the charter absolutely.

If, however, this honorable body should take a different view of the subject, it is still urged, that the control of the Legislature over this subject should not, under any consideration whatever, be relinquished.

Mr. Brierly introduced No. 20, H. R. File, "A Bill to authorize John O'Hara, his heirs and assigns, to establish and keep a Ferry across the Mississippi river, at the town of Keokuk, in Lee county;" which was read a first time.

Mr. Thompson, from the Committee on the Judiciary reported No. 21, H. R. File, "A Bill to authorize Aaron Street, jr., as administrator of Peter Boyer, dec'd, to make titles to certain real estate, in and near Salem, in Henry county.

Mr. Wilson, from the Committee on Roads and Highways, reported No. 22, H. R. File, "A Bill to establish a Territorial Road from Iowa-ville on the Des Moines river, to the Missouri line, at the point where the Mormon trace crosses said line.

Mr. Baker introduced No. 23, H. R. File, "A Bill to organize the counties of Keokuk and Mahaska.

Mr. Steele introduced No. 24, H. R. File, "A Bill to legalize the acts of John A. Drake and Samuel B. Ayres, acting Justices of the Peace."

Mr. Bonney introduced No. 25, H. R. File, "A Bill to incorporate an Academy in the town of Farmington."

Mr. Bonney also introduced No. 26, H. R. File, "A Bill for the relief of Thomas Summerline, collector of Van Buren county."

Said bills were severally read a first time.

Mr. Hebard, from the Joint Committee on Enrolled Bills, reported that he did, on the 4th inst., present to the Governor, for his approval,

An Act to authorize Daniel C. Davis to keep a Ferry at Montrose, in Lee county.

Also, an Act to legalize the acts of Isaac Parsons, coroner of Louisa county; also an acting Justice of the Peace in Jefferson Township, in said county.

A Message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

The Council have passed

No. 13, H. R. File, "A Bill to amend an act entitled An Act districting the Territory into Electoral Districts.

The Council have also passed

No. 2, C. F. "Joint Resolutions relative to the sale of tools and other property belonging to the Territory of Iowa.

No. 6, C. F. "A Memorial to Congress, relative to the formation of a Constitution and State Government;" and,

No. 13, C. F. "A Bill to locate and establish a road from the lower



end of Water Street, in Burlington to David B. Anderson's Mill."

No. 11, C. F. "A Bill to authorize David B. Anderson and Henry C. Anderson, to keep a Ferry across the Mississippi river, opposite the lower end of Burlington.

And then he withdrew.

The Speaker laid before the House a communication from the Territorial Agent, in answer to a Resolution, calling upon him for information relative to locks for the use of the Capitol.

On motion of Mr. Hackleman,

Ordered, That said communication be referred to the Committee on Claims, and that said Committee have power to send for persons and papers.

No. 9, C. F. "A Bill to locate a Territorial Road from Keosauqua, in Van Buren county, to the western line of Appanose county," was read a second time.

A motion was made by Mr. Bonney, that the name of "Samuel Clark," in the fourth line of the first section, be stricken out, and the name of "St. Clair Griffen" inserted; to which the House agreed.

On motion of Mr. Bonney,

Ordered, That the bill be read a third time on Monday next.

No. 19, H. R. File, "A Bill to confine the jurisdiction of Justices of the Peace and Constables, in certain cases, to their Townships, and amendatory of an act entitled An Act to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings; approved Feb. 9th, 1843, was read a second time.

On motion of Mr. Grimes,

The House resolved itself into a Committee of the whole House upon said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Grimes reported, that the Committee had, according to order, had said Bill under consideration, had made some progress therein, and directed him to ask leave to sit again on Wednesday next.

To which the House agreed.

On motion,

Ordered, That this House do now adjourn until Monday morning at 10 o'clock.

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### Monday Morning, January 8, 1844.

Mr. Speaker presented the petition of 133 citizens of Iowa City and its vicinity, praying that the Legislative Assembly would donate to the Mechanics' Mutual Aid Association of Iowa City, the north half of the School Reserve in Block No. 60, in Iowa City, for literary purposes.



Also, the petition of 88 ladies of Iowa City, praying that said donation may be made.

On motion,

Ordered, That said petitions be referred to a Select Committee of three.

Messrs. Baker, Johnson, and Borland, were appointed said Committee.

Mr. Brophy presented the petition of 30 citizens of the counties of Clinton and Jackson, praying that the Legislative Assembly would pass a law, repealing the Charter of the Miner's Bank of Dubuque unconditionally.

Which was laid upon the table.

Mr. Speaker presented the petition of sundry citizens of the counties of Johnson, Cedar, Muscatine, and Scott, praying the location of a Territorial Road from Iowa City to Davenport, by way of Rochester, in Cedar county, and Centre Grove, in Muscatine county.

On motion,

Ordered, That said petition be referred to the Committee on Roads and Highways.

Mr. Speaker presented the petition of sundry citizens of the Territory, praying the Legislative Assembly to pass a Joint Resolution, memorializing Congress for a grant of one Township of land for the purpose of erecting a College at Iowa City.

Ordered, That said petition be referred to a Select Committee of three.

Messrs. Grimes, Nowlin, and Smyth, were appointed said Committee.

Mr. Fay presented the petition of 12 citizens of the county of Muscatine, praying the re-location of a portion of the Territorial Road from Wyoming to Iowa City.

Ordered, That said petition be referred to the Committee on Roads and Highways.

Mr. Fay presented the petition of 169 citizens of Muscatine county, praying the repeal of an act entitled An Act to prevent certain immoral practices.

Ordered, That the petition do lie upon the table.

Mr. Wright presented the petition of 13 citizens and ministers of the Territory, praying an exemption for ministers of the Gospel from ferry charges.

Ordered, That said petition be referred to the Committee on Roads and Highways.

Mr. Bonney presented the petition of 204 voters of the county of Van Buren, praying the repeal of an Act entitled

An Act, subjecting real and personal property to execution commonly called the "Valuation Law."

Ordered, That said petition be referred to the Committee on the Judiciary.

Mr. Walworth presented the petition of 100 citizens of Linn county, praying the location of a Territorial Road from the Rapids of Ce-



dar river to the Rapids of the Wappesipinicon river, in Buchanan county.

On motion,

Ordered, That said petition be referred to the delegation from Cedar, Jones, and Linn.

On motion of Mr. Grimes,

Resolved, That the Journal of Monday the 1st inst. be so changed and corrected, as to show that Mr. Grimes, of Des Moines, presented a letter of instructions from 1290 citizens of that county, instead of 1172, in relation to the Miners' Bank of Dubuque.

Mr. Baker, in accordance with previous notice, introduced No. 27, H. R. file, "Joint Resolutions, relative to Mail Routes." Which was read a first time.

Mr. Brierly, in accordance with previous notice, introduced No. 28, H. R. file, "A Memorial to Congress, relative to the Rapids of the Mississippi river: which was read a first time.

A motion was made by Mr. Robb, that 240 copies be printed.

Which was decided in the negative. Yeas 10, Nays 15.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messs. Baker, Brierly, Brophy, Culbertson, Foley, Hackleman, Johnson, Robb, Thompson, and Wray.

Those who voted in the negative are,

Messrs. Bonney, Borland, Fay, Grimes, Hebard, M'Oleary, Nowlin, Roberts, Rogers, Smyth, Steele, Walworth, Wilson, Wright, and Carleton, (Speaker.)

A motion was made by Mr. Nowlin, that the 42d rule be suspended, in order that the Memorial might be read a 2d time now.

Which was decided in the negative.

Mr. Bonney, on leave, introduced

No. 29, H. R. file, "A Bill to organize the county of Davis, and to provide for the location of the Seat of Justice thereof."

Mr. Nowlin, on leave, introduced No. 30, H. R. File, "A Bill to enable settlers on public lands to recover value for their improvements."

Mr. Grimes, on leave, introduced

No. 31, H. R. File, "A Bill defining the jurisdiction of the Supreme Court, and regulating the practice therein.

Mr. Johnson, on leave, introduced No. 32, H. R. File, "A Bill to incorporate the Burlington Mechanics' Institute.

Mr. Brophy, on leave, introduced

No. 33, H. R. File, "A Joint Resolution, to provide for the payment for the Reports of the Supreme Court.

Said Bills and Resolution were severally read a first time.

No. 2, C. F. "Joint Resolutions, relative to the sale of tools and other property belonging to the Territory.

No. 6, C. F. "A Memorial to Congress, relative to the formation of a Constitution and State Government.

No. 11, C. F. "A Bill to authorize David B. Anderson and Henry



C. Anderson to keep a Ferry across the Mississippi river, opposite the lower end of Burlington.

No. 13, C. F. "A Bill to locate and establish a Road from the lower end of Water-street, in Burlington, to David B. Anderson's Mill;

Were severally read a first time.

A message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

The Council have passed

No. 12, C. F. "A Bill to change the name of William B. Peck and Ann M. Peck;" also,

No. 17, C. F. "A Joint Resolution, authorizing the Auditor of Public Accounts to audit the account of Edwin Guthrie for work done on the Penitentiary."

In which I am directed to ask the concurrence of the House.

And then he withdrew.

No. 20, H. R. file, "A Bill to authorize John O'Hara, his heirs and assigns, to establish and keep a Ferry across the Mississippi river, at the town of Keokuk, in Lee county;"

Was read a second time.

A motion was made by Mr. Brierly, that the bill be engrossed and read a third time on to-morrow;

Which was decided in the affirmative.

Yeas 16, Nays 10.

The yeas and nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Brierly, Foley, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Steele, Walworth, Wilson, Wray, Wright, and Carleton, Speaker.

Those who voted in the negative are,

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Fay, Grimes, Rogers, Smyth, and Thompson.

No. 21, H. R. File, "A Bill to authorize Aaron Steet, Jr., as administrator of Peter Boyer, deceased, to make titles to certain real estate in and near Salem, in Henry county.

No. 22, H. R. File, "A Bill to establish a Territorial Road from lowaville, on the Des Moines river to the Missouri line, at the point where the Mormon trace crosses said line."

Were severally read a 2d time, and ordered to be engrossed and read a third time to-morrow.

No. 23, H. R. File, "A Bill to organize the counties of Keokuk and Mahaska;" was read a second time, and,

On motion of Mr. Baker,

The House resolved itself into a Committee of the whole House, on said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Foley reported, that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same to the House with amendments.

The House concurred in the report of the Committee.



The bill was then ordered to be engrossed and read a third time to-morrow.

No. 24, H. R. "A Bill to legalize the acts of John A. Drake and Samuel B. Ayres, Justices of the Peace, in Lee county;"

Was read a 2 time, and ordered to be engrossed and read a third time to-morrow.

No. 25, H. R. File, "A Bill to incorporate an Academy in the town of Farmington;" was read a 2d time, and,

On motion of Mr. Bonney,

Referred to the Committee on Corporations.

No. 26, H. R. File, "A Bill for the relief of Thomas Summerline, Collector of Van Buren county;"

Was read a second time, and ordered to be engrossed and read a 3d time to-morrow.

No. 9, C. F. "A Bill to locate a Territorial Road from Keosauqua, in Van Buren county, to the western line of Appanoose county, was read a third time, and,

On motion of Mr. Bonney,

Ordered to lie on the table.

No. 1. H. R. "A Bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for winding up the affairs of the same being the order of the day.

A motion was made by Mr. Wright, that the further consideration of the bill be postponed until Thursday next, which was decided in the affirmative.

Mr. Foley gave notice, that he would on Thursday next, introduce

A Bill to authorize the people of Dubuque, Jackson, Clayton, and Delaware counties to form themselves into a mutual Fire Insurance Company.

Mr. Walworth, from the Committee on Engrossed Bills reported that they had examined An Act to change the time of holding the general elections, and found the same correctly engrossed.

Mr. Thompson gave notice, that he would at some future day introduce a bill requiring the District Court to entertain jurisdiction of cases brought up to said Court by appeal or certiorari, from Justices of the Peace since the 4th day of July, 1843, which said causes have been brought up in accordance with the law in force prior to said day.

On motion of Mr. Hackleman,

The House adjourned until to-morrow morning at 10 o'clock.



**Tuesday Morning, January 9, 1844.**

Mr. Culbertson presented the petition of 103 citizens of Jefferson county, praying the Legislative Assembly to repeal the Valuation Law.

Ordered, That said petition be referred to the Committee on the Judiciary.

Mr. McCleary presented the petition of 44 citizens of Louisa county, praying the location of a Territorial Road from Wapello, in Louisa county, to Moffatt's Mill, on Skunk river.

Ordered, That said petition be referred to the Committee on Roads and Highways.

Mr. Culbertson presented the petition of 262 citizens of Wapello county, praying for the organization of said county;

Also, the location of the Seat of Justice thereof, by a majority of the votes of the citizens of said county;

Also, praying the Legislative Assembly to take some action, in order that another Judicial District may be organized.

Mr. Culbertson presented the petition of 151 citizens of Wapello county, praying the organization of said county;

Also, that the Seat of Justice of said county may be located by Commissioners appointed for that purpose, and remonstrating against any change of the boundaries of said county.

Ordered, That said petitions be referred to a Select Committee of one from each Electoral District.

Messrs. Culbertson, Wray, Baker, Brierly, Fay, Smith, Johnson, Thompson, Nowlin, Foley, Brophy, and McCleary, were appointed said Committee.

Mr. Foley presented the petition of 29 citizens of Jackson county praying the location of a Territorial Road from Springfield in Jacksonian line crosses said river.

son, county, to a point on the Wappesipinicon river where the meri-

Ordered, That said petition be referred to the Committee on Roads and Highways.

Mr. Brophy gave notice that he would, on to-morrow, or some future day, introduce

Joint Resolutions, relative to Post Routes Nos. 4506 and 4228.

Mr. Baker, from the Committee on Military Affairs, to whom was referred a Resolution instructing the Committee to enquire into the expediency of so amending the law for organizing and disciplining the militia, so as to

First: To dispense with company trainings in time of peace.

Second: All able-bodied citizens, above the age of eighteen, and under forty-five years, to be kept enrolled, organized, and officered.



Also, sundry petitions, in relation to the organization of the Militia, and that portion of the Governor's Message which relates to the organization of the Militia, have had the same under consideration, and beg leave to report the following entitled bill:

No. 34, H. R. File, "A Bill to organize the Militia;"

Which was read a first time.

A motion was made by Mr. Culbertson, that 50 copies of the Bill be printed;

Which was decided in the negative.

Mr. Grimes, from the Committee on Corporations, reported

No. 35, H. R. File, "A Bill to incorporate the Farmington Academy and High School."

Which was read a first time.

Mr. Hebard, from the Committee on Enrolled Bills, reported that they had examined

An Act to amend an Act, Districting the Territory into Electoral Districts, and found the same correctly enrolled.

The Speaker then signed said Act.

Mr. Mitchell, from the Committee on Engrossed Bills, reported, that they had examined

Nos. 20, 21, 22, 24, and 26, and found the same correctly engrossed.

No. 27, H. R. File, "Joint Resolutions relative to certain Mail Routes," was read a second time; and,

On motion of Mr. Baker,

Referred to the Delegations from Washington, Jefferson, and Van Buren counties.

No. 28, H. R. File, "A Memorial to Congress relative to the Rapids of the Mississippi river," was read a second time.

On motion of Mr. Grimes,

Ordered, That said Memorial be referred to a Select Committee.

Messrs. Grimes, Rogers, and Brierly were appointed said Committee.

No. 29, H. R. File, "A Bill to organize the county of Davis, and to provide for the location of the Seat of Justice thereof;"

Was read a second time, and ordered to be engrossed and read a 3d time to-morrow.

No. 30, H. R. File, "A Bill to enable settlers on public lands to recover value for their improvements was read a 2d time.

A motion was made by Mr. Fay, that the bill be referred to the Committee on the Judiciary;

Which was decided in the negative.

A motion was made by Mr. Rogers, to strike out the word "damages," and insert the word "assumpsit," and passed in the affirmative.

The Bill was then ordered to be engrossed, and read a third time to-morrow.

No. 31, H. R. File, "A Bill defining the jurisdiction of the Supreme Court, and regulating the practice therein;"



was read a second time, and,

On motion of Mr. Robb.

Ordered, That the Bill be laid on the table, and that fifty copies be printed.

No. 32, H. R. File, "A Bill to incorporate the Burlington Mechanic's Institute;" was read a second time; and,

On motion of Mr. Johnson,

Ordered to engrossed, and read a third time to-morrow.

No. 33, H. R. File, "Resolutions to provide for the payment for the reports of the Supreme Court, furnished under the resolution of the last session of the Legislature," was read a second time, and,

On motion of Mr. Brophy,

Ordered to be engrossed and read a third time to-morrow.

No. 2, C. F. "Joint Resolutions relative to the sale of tools and other property belonging to the Territory;"

Was read a second time; and,

On motion of Mr. Robb,

Referred to the Committee on Public Buildings.

No. 6, C. F. "A Memorial to Congress relative to the formation of a Constitution and State Government;"

Was read a second time.

On motion of Mr. Foley,

Laid on the table.

No. 11, C. F. "A Bill to authorize David B. Anderson and Henry C. Anderson to keep a Ferry across the Mississippi river, opposite the lower end of Burlington;" was read a second time.

On motion of Mr. Hebard,

The bill was so amended as to grant the charter for ten years, instead of fifteen.

On motion of Mr. Hackleman,

Ordered, That the bill be referred to the delegation from Des Moines.

No. 13, C. F. "A Bill to locate and establish a Road from the lower end of Water-street, in Burlington to David B. Anderson's Mill," was read a 2d time.

On motion of Mr. Hebard,

Ordered, That the bill be read a third time to-morrow.

No. 7, H. R. File, "An act to change the time of holding the General Elections," was read a third time.

On motion of Mr. Bonney,

The House resolved itself into a Committee of the whole House on said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Nowlin reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same back to the House, and ask its concurrence.

The question was then taken on concurring in striking out the following words of the bill.

Provided that nothing herein contained shall be so construed as to



change the term of any of the officers whose elections are heretofore provided for, and was decided in the affirmative.

The question was then taken on concurring with the Committee in inserting the following proviso.

Provided, That all officers, whose term of office would expire on the first Tuesday in October, shall expire on the first Monday in August, or so soon thereafter as their successors may be elected and qualified; and was decided in the affirmative.

Yeas 15—Nays 11.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Foley, Hackleman, Hebard, Johnson, McCleary, Nowlin, Roberts, Wray and Wright.

Those who voted in the negative, are,

Messrs. Fay, Grimes, Mitchell, Robb, Rogers, Smyth, Steele, Thompson, Walworth, Wilson and Carleton, (Speaker.)

A motion was made by Mr. Walworth, that the bill be referred to the Committee on the Judiciary, which was decided in the negative.

Yeas 13—Nays 13.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are,

Messrs. Brophy, Culbertson, Fay, Grimes, Hebard, Johnson, Mitchell, Robb, Smyth, Steele, Thompson, Walworth and Wilson.

Those who voted in the negative, are,

Messrs. Baker, Bonney, Brierly, Borland, Foley, Hackleman, McCleary, Nowlin, Roberts, Rogers, Wray, Wright and Carleton, (Speaker.)

The question recurring on the passage of the bill, it passed in the affirmative.

Yeas 14, Nays 12.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Culbertson, Foley, Hackleman, McCleary, Nowlin, Roberts, Rogers, Thompson, Wray and Wright.

Those who voted in the negative are,

Messrs. Brophy, Fay, Grimes, Hebard, Johnson, Mitchell, Robb, Smyth, Steele, Walworth, Wilson and Carleton, [Speaker.]

So the Bill passed and the title was agreed to.

Ordered, That the Clerk acquaint the Council therewith.

A motion was made by Mr. Thompson to reconsider to vote on the bill just passed.

On motion of Mr. Grimes,

The motion of Mr. Thompson was laid on the table.

No. 20, H. R. File, "A Bill to authorize John O'Hara to establish and keep a Ferry across the Mississippi River at the town of Keokuk in the county of Lee," was read a third time, and,

On motion of Mr. Rogers,



Ordered, to lie on the table.

A Message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

The Council have passed

No. 14, C. F. "A Bill to authorize Guy Wells and James Wilson to establish and keep a Ferry across the Mississippi river at Fort Madison in Lee county.

Also No. 10, C. F. "A Bill to authorize Rachael Hamilton, Administratrix of the estate of James Hamilton, deceased, to sell and convey certain real property therein named.

In which I am directed to ask the concurrence of the House.

And then he withdrew.

No. 12, C. File, "A Bill to change the name of Wm. B. Peck and Ann M. Peck.

No. 17, C. F. "A Joint Resolution authorizing the auditor of Public Accounts to audit the account of Edwin Guthrie for work done on the Penitentiary were severally read a first time.

On motion of Mr. Baker,

The House adjourned until to-morrow morning at 10 o'clock.

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### Wednesday Morning, January 10, 1844.

Mr. Foley presented the petition of 188 citizens of Jackson county, praying that the Legislative Assembly may take no other action in regard to the Miners' Bank of Dubuque, except to repeal its charter and wind up its affairs. Which was referred to the delegations from Dubuque and Jackson counties.

Mr. Brierly presented the petition of 63 citizens of Lee county, praying for the location of a Territorial Road from Gray's Ferry, on the Des Moines river, to Devil Creek Bridge on the Burlington road, which was referred to the delegation from Lee county.

Mr. Fay presented the petition of 72 citizens of Muscatine county, praying that an act may be passed to restrain Bulls, Rams, and Boars, from running at large, which was referred to the Committee on Agriculture.

On motion of Mr. Robb,

Resolved, That the Committee on the Judiciary be instructed to enquire

First, What amendments, if any, are necessary to the act incorporating Religious Societies, and.

Second, What amendments, if any, are necessary to the act regulating Wills, Administrators, &c.

Mr. Hackleman from the select Committee to which was referred



No. 11, C. F. "A Bill to authorize David B. Anderson and Henry C. Anderson, to keep a Ferry across the Mississippi river opposite the lower end of Burlington," reported the same back to the House with amendments which were read a first time.

No. 10, C. F. "A Bill to authorize Rachael Hamilton, Administratrix of the estate of James Hamilton, deceased, to sell and convey certain real property therein named.

No. 14, C. F. "A Bill to authorize Guy Wells and James Wilson to establish and keep a Ferry across the Mississippi river at Fort Madison in Lee county, were severally read a first time.

No. 12, C. F. "A Bill to change the names of William B. Peck and Ann M. Peck, was read a second time, and,

On motion of Mr. Brierly,

Laid on the table.

The House resumed the consideration in Committee of the whole House,

No. 19 H. R. File, "A Bill to confine the jurisdiction of Justice of the Peace. And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Wilson reported that the Committee had, according to order, had said bill under consideration, and instructed him to report the same to the House and ask leave to sit again on Friday next, leave was granted.

And then the House adjourned until to-morrow morning at 10 o'clock.

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#### Thursday Morning, January 11, 1844.

Mr. Hackleman presented the petitions of 57 citizens of Des Moines county, praying the Legislative Assembly to pass a Law, to wind up the affairs of the Miners' Bank of Dubuque, without further indulgence.

Said petitions were laid upon the table.

Mr. Baker presented the petition of 9 citizens residing east of Iowa river adjoining Township 77 N. R. 5 W. 5 principal meridian, in Washington county, praying that that portion of said county may be annexed to Washington county.

On motion of Mr. Baker.

Ordered, That said petition be referred to a select Committee of three.

Messrs. Baker, McCleary and Roberts, were appointed said Committee

Mr. Smyth presented the petition of 43 citizens of Johnson, Cedar, Muscatine and Scott counties, praying that a Territorial Road be estab-



lished from Iowa city to Davenport, by the way of Rochester, in Cedar county, and Centre Grove, in Muscatine county.

Ordered, That said petition be referred to the Committee on Roads and Highways.

Mr. Brierly offered the following resolution,

Resolved, That R. W. Albright, editor of the Lee county Democrat, print two hundred and forty copies of the Journals of the House of Representatives and deliver the same to the Secretary of the Territory, within three months after the adjournment of the Legislature, and that the Secretary of the Territory pay the said Albright the prices established by law.

A motion was made by Mr. Rogers, that the name of R. W. Albright be stricken out and the names of Wilson and Keesecker inserted.

When a motion was made by Mr. Baker, that said resolution do lie upon the table, which motion having the precedence, was put, and decided in the affirmative.

Mr. Johnson, from the Committee on Public Buildings, to whom was referred No. 2, C. File, "Joint Resolutions relative to the sale of tools, and other property, belonging to the Territory of Iowa," reported the same back to the House with one amendment, which was read a first time.

Mr. Wilson from the Committee on Roads and Highways, to whom was referred No. 16, H. R. File, "A Bill to amend certain acts relating to Roads and Highways," reported the same back to the House, with one amendment, which was read a first time.

No. 1. H. R. "A Bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for winding up the affairs of the same," being the order of the day, was taken up.

A motion was made by Mr. Rogers, that a call of the House be had, which was Ordered.

And upon the roll being called, it was found,

That, Messrs. Bonney, Fay, Foley, Mitchell, Nowlin and Walworth, were absent.

Whereupon, the Sergeant-at-Arms, was despatched to enforce the attendance of the absentees.

After some time the absentees appearing,

On motion of Mr. Brierly,

Ordered, That the further call of the House be suspended.

On motion of Mr. Rogers,

The House resolved itself into a Committee of the whole House on said Bill.

After some time spent therein, Mr. Speaker resumed the chair, and Mr. Hebard reported, that the Committee had according to order, had said Bill under consideration, and directed him to report the same to the House without amendment.

A motion was made by Mr. Hackleman, to amend the bill by inserting the following after the enacting clause.

That the Stockholders of the Miners' Bank of Dubuque, be and they



are hereby required to redeem and pay specie for all notes issued by said Bank, that may be presented at their counter, within thirty days after the passage of this act, and continue at all times thereafter to pay specie when called are and if they refused so to do, then said Charter shall be wound up according to the provisions of this act.

Provided, That unless the Stockholders of said Bank, shall within thirty days after the passage of this act, mortgage to the Territory of Iowa, four hundred thousand dollars worth of real estate, lying and being situate in the Territory of Iowa, which shall be valued at a fair value, to secure the payment of all notes that is, or may hereafter be issued by said Bank, and that the Judge of the third Judicial District have power, and it is hereby made his duty to appoint three disinterested Commissioners to value said land under oath, to the best of their judgment, who shall take and receive said mortgage in the name of the Territory of Iowa, and that they have the same made a matter of record, in the Records Office, in the county of Dubuque, in said Territory, and that said Bank pay all charges for the same, and further, it shall be the duty of said Commissioners, to examine into the affairs of said Bank, and report to said Judge every three months.

The question was put, and decided in the negative.

Yeas 4—Nays 21.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are,

Messrs. Hackleman, Johnson, Nowlin and Wright.

Those who voted in the negative, are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Foley, Grimes, Hebard, Mitchell, McCleary, Robb, Roberts, Rogers, Smyth, Steele, Thompson, Walworth, Wilson, Wray, and Carleton, (Speaker.)

On motion of Mr. Bonney,

The House adjourned until 2 o'clock P. M.

## 2 O'CLOCK P. M.

On motion of Mr. Rogers.

A call of the House was had when all the members answered to their names except Messrs. Baker, Fay, Foley, Hackleman and Mitchell.

On motion of Mr. Bonney,

Mr. Fay was excused from the call.

The Sergeant-at-Arms was directed to compel the attendance of the absentees. After a short time the absentees appearing the further call was suspended.

The House then resumed the consideration of No. 1, H. R. File, "A Bill to repeal the Charter of the Miners' Bank of Dubuque &c.

A motion was made by Mr. Grimes to amend the bill by inserting the following after the enacting clause.

That the Miners' Bank of Dubuque be and it is hereby required to



resume specie payments upon all of its legal liabilities within thirty days from the passage of this act.

Sec. 2. In case the said Bank shall refuse or neglect to comply with the provisions of the first section of this act, it shall be the duty of the District Attorney of the county of Dubuque, to sue out a writ of *quo warranto* against said Bank, at the next ensuing term of the District Court in said county, and prosecute the same to final judgment and decision agreeably to the laws of this Territory for such cases made and provided.

Sec. 3. If said Bank shall resume specie payments as required by the first section of this act, and fail or refuse at any time thereafter to pay, on demand, any of its legal liabilities in gold and silver coin, it shall be the imperative duty of the said attorney, to sue out such a writ of *quo warranto* as provided for in the second section of this act.

A motion was made by Mr. Hackleman to amend the amendment by adding the following.

That the Stockholders of said Bank be required to mortgage real estate to the Territory of Iowa, in double the amount of stock subscribed, and actually paid in, which shall be done within ninety days after the passage of this act, and it shall be the duty of the Judge of the third Judicial District, immediately after the passage of this act, to appoint three disinterested Commissioners, whose duty it shall be to value said real estate at its fair value in cash, which mortgage shall be recorded in the recorder's office in the county of Dubuque and further, it shall be the duty of said Commissioners, to examine the affairs of said Bank once in every ninety days and make report to said Judge, and if from an examination of said Commissioners, the Judge believes that the Bank has violated any of her liabilities, said Judge shall proceed according to the provisions of this act.

Which passed in the negative.

Yeas 5, Nays 20.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Bonney, Hackleman, Johnson, Nowlin, and Wright.

Those who voted in the negative are,

Messrs. Baker, Brierly, Borland, Brophy, Culbertson, Foley, Grimes, Hebard, Mitchell, M'Cleary, Robb, Roberts, Rogers, Smyth, Steele, Thompson, Walworth, Wilson, Wray and Carleton, (Speaker.)

The question then recurring on the substitute of Mr. Grimes, and after debate,

On motion of Mr. Walworth,

The House adjourned until to-morrow morning at 10 o'clock.



**Friday Morning, January 12, 1844.**

Mr. Walworth presented the petition of 15 citizens of Wapsenonoc Settlement, in Cedar county, praying that Township 79 north, range 4, west of the fifth principal meridian, be annexed to Johnson county.

Ordered, That said petition be referred to the Committee on Townships and County Boundaries.

Mr. Speaker laid before the House the petition of 148 citizens of Johnson county, praying for the repeal or modification of the law commonly called the Valuation Law.

Ordered, That said petition be referred to the Committee on the Judiciary.

Mr. Foley gave notice, that he would, on Monday next, or on some future day, ask leave to introduce

A Memorial to Congress, praying said body to establish a Mail Route from the city of Galena in the State of Illinois, to cross the Mississippi river in the vicinity of the 3d principal meridian, where said line crosses the same; thence by way of Bellview, Andrew, and Springfield post-offices in Jackson county, and thence to cross the Wappesipinicon, at or near where the 4th meridian crosses said river, and thence to Tipton, the County Seat of Cedar county, and thence to Iowa City.

Mr. Grimes gave notice, that he would, on some future day, introduce

A Bill to incorporate the Burlington University.

Mr. Wilson, from the Committee on Roads and Highways, reported No. 36, H. R. file, "A Bill to locate a Territorial Road from Wapello, Louisa county, to Augusta, in Des Moines county."

Which was read a first time.

Mr. Nowlin presented a report relative to petitions respecting the Miners' Bank of Dubuque; which was read as follows:

The undersigned, member of the Select Committee, to which was referred sundry petitions from the citizens of Dubuque, Delaware, and Clayton counties, in relation to the Miners' Bank of Dubuque, would respectfully report,

That he has carefully examined said petitions, and find 559 names attached thereto, out of which number, there are some not naturalized, some under age, some living in the State of Illinois, some in Jackson, and some in Jones counties; many of the names on said petitions are entirely unknown to your Committee; and it is impossible for him to decide, whether they reside in one of the above named counties, or in some foreign State or Territory.

Your Committee would state, that according to the returns of last



election, the representative district, (which he, in part, has the honor to represent,) gave 835 votes; and while your Committee is at all times willing to acknowledge the right of the people to instruct their representative, and the bounden duty of the representative to obey, he would call your attention to the following petitions:

*To the Honorable the Legislative Assembly of the Territory of Iowa,  
December, 1843.*

Your petitioners would respectfully represent, That if the Miners' Bank of Dubuque shall resume, and pay all her liabilities in specie, as they may be presented, and provide ample means for doing a perfectly safe business, it will tend greatly to the prosperity of the Territory.

They pray, that the Bank may be required to resume specie payment upon all her liabilities, in a limited time; and also, to provide ample means to do a business perfectly safe to the community, to be ascertained in such way as you, in your wisdom, may provide; or, in default thereof, her Charter may be declared forfeited.

Your Committee would further state, that he feels himself instructed by a large and respectable portion of the citizens of his district to support any measure which will compel the Miners' Bank to resume specie payment in a given number of days, and at the same time to place her in such a condition that she will be compelled to do a perfectly fair and safe business for the people; and at the same time, your Committee feels confident that it is impossible for the Legislature to place this Bank in any condition whatever, where the people's rights will be secured, only by compelling her to mortgage real estate to the full amount of all that she may, or has by law, a right to issue, or otherwise to repeal the Charter.

HARDIN NOWLIN.

Mr. Thompson, from the Committee on the Judiciary, reported No. 37, H. R. File, "A Bill to legalize Deeds and other instruments of writing;"

Which was read a first time.

Mr. Walworth, from the Committee on Engrossed Bills, reported, that they had examined

Nos. 23 and 32, H. R. File, and found the same correctly engrossed.

The House resumed the consideration of No. 1, H. R. File, "A Bill to repeal the Charter of the Miners' Bank of Dubuque," &c.

The question being on the adoption of the substitute offered by Mr. Grimes, was stated, and after debate,

On motion of Mr. McCleary,

The House adjourned until 2 o'clock, P. M.



## 2 O'COLCK, P. M.

Mr. McCleary moved a call of the House, which was ordered.

All the members answered to their names, with the exception of Messrs. Baker, Fay, Mitchell, Robb, and Walworth.

On motion of Mr. Bonney,

Ordered, That Mr. Fay be excused from the call.

The Sergeant-at-Arms was then despatched to enforce the attendance of the absentees.

Who, after a short time, appearing,

The further call of the House was, on motion, suspended.

The House resumed the consideration of

No. 1, H. R. file, "A Bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for winding up the affairs of the same."

Mr. Johnson moved the following amendment to the amendment offered by Mr. Grimes, to wit:

"If the Bank, at any time hereafter, refuses to redeem, in the legal coin of the United States, all its notes or liabilities, the person holding such notes or liabilities, may proceed against, and collect the same out of the private property of the Stockholders of said Bank in the same manner as individual debts are collected under the laws of this Territory.

Which amendment was accepted by Mr. Grimes as a part of the amendment offered by him.

And the question being put, passed in the negative.

Yeas 8, Nays 17.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Grimes, Hebard, Johnson, Mitchell, Robb, Steele, Walworth, and Wilson.

Those who voted in the negative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Foley, Hackleman, McCleary, Nowlin, Roberts, Rogers, Smyth, Thompson, Wray, Wright, and Carleton, [Speaker.]

So the House refused to adopt the amendment.

The question then recurred on the Engrossment of the Bill,

Which was put, and passed in the affirmative.

Yeas 18—Nays 7.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Foley, Hackleman, Johnson, McCleary, Nowlin, Roberts, Rogers, Smyth, Thompson, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are,



Messrs. Grimes, Hebard, Mitchell, Robb, Steele, Walworth, and Wilson.

No. 2, C. F. "Joint Resolutions relative to the sale of tools and other property belonging to the Territory of Iowa.

No. 10, C. F. "A Bill to authorize Rachael Hamilton, administratrix of the estate of James Hamilton, deceased, to sell and convey certain real property therein named.

No. 11, C. F. "A Bill to authorize David B. Anderson and Henry C. Anderson, to keep a Ferry across the Mississippi river, opposite the lower end of Burlington."

No. 14, C. F. "A Bill to authorize Guy Wells and James Wilson to establish and keep a Ferry across the Mississippi river at Fort Madison, in Lee county."

Said Joint Resolutions and Bills were severally read a 2d time, and Ordered to be read a third time on to-morrow.

No. 17, C. F. "Joint Resolution, authorising the Auditor of Public Accounts to audit the account of Edwin Guthrie for work done on the Penitentiary," was read a 2d time, and

On motion of Mr. Bonney,

Ordered, That said Resolution be referred to the Committee on Public Buildings.

No. 16, H. R. file, "A Bill to amend certain acts relating to Roads and Highways," was read a 2d time.

On motion of Mr. Rogers,

Ordered, That said bill do lie upon the table.

No. 19, H. R. File, "A Bill to confine the jurisdiction of Justices of the Peace and Constables, in certain cases, to their own Townships, and amendatory of an act entitled "An Act to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings, approved February 9th, 1843," being the order of the day,

The House again resolved itself into a Committee of the whole House on said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Wilson reported, that the Committee had, according to order, had said bill under consideration, had made some progress therein, and directed him to report the same to the House, and to ask leave to sit again on to-morrow.

To which the House agreed.

Mr. Rogers, by leave of the House, introduced,

No. 38, H. R. File, "A Bill to amend an act, entitled 'An Act regulating Criminal Proceedings;'"

Which was read a first time.

A motion was made by Mr. Rogers, that the 42d rule be suspended, and the bill be read a second time now;

And was decided in the affirmative.

Yeas 17, Nays 6.

The yeas and nays being demanded by two members.

Those who voted in the affirmative are,



Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Grimes, Hackleman, Hebard, Johnson, McCleary, Nowlin, Roberts, Rogers, Thompson, Walworth, Wright, and Carleton, Speaker.

Those who voted in the negative are,

Messrs. Brophy, Mitchell, Smyth, Steele, Wilson, and Wray.

The Bill was then read a second time, and referred to the Committee on the Judiciary.

Mr. Thompson, on leave, introduced

No. 39, H. R. file, "A Bill requiring the District Court to entertain jurisdiction of causes brought up by appeal or certiorari," &c. Also,

No. 40, H. R. File, "A Bill vesting in married women all property acquired by them in their own right, either before or after marriage."

Said Bills were read a first time, and,

On motion of Mr. Grimes,

Fifty copies of the last named bill were ordered to be printed.

And then,

On motion of Mr. Wilson,

The House adjourned until to-morrow morning at 10 o'clock.

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#### **Saturday Morning, January 13, 1844.**

Mr. Walworth presented the petition of 60 citizens of Dubuque, Delaware, and Jones counties, praying the Legislative Assembly to form a new county, to be composed of the following named Townships, to wit: Township No. 87, Ranges 1 and 2 west, in Dubuque county; 3 and 4, west, in Delaware county; Township 86, ranges 1, 2, 3, and 4 west; and Township, No. 85, ranges 1, 2, 3, and 4; all being west of the fifth principal meridian, and in Jones county.

Ordered, That said petition be referred to the Committee on Townships and County Boundaries.

Mr. Rogers presented the petition of several citizens of Iowa City, praying the Legislative Assembly to pass a law to resuscitate the Miners' Bank of Dubuque: provided, that the Stockholders cause to be paid into the office of the Secretary of the Territory the sum of \$10,000, as a bonus; the said sum to be appropriated for the encouragement of the emigration of marriageable females from New England to this Territory.

Ordered, That said petition be referred to a Select Committee.

Messrs. Rogers, Grimes, and Baker were appointed said Committee.

Mr. Smyth presented the petition of Thomas Hare of Linn county, praying the Legislative Assembly to legalize his marriage.

Ordered, That said petition be referred to the Committee on the Judiciary.



Mr. Rogers presented the petition of Avery Thomas, praying that his name may be changed to Lewis Ashton Thomas.

Ordered, That said petition be referred to the delegation from Dubuque county.

Mr. Rogers gave notice, that he would, on some future day, introduce a Bill to amend an act entitled "An Act subjecting real and personal estate to execution."

Mr. Culbertson, from the select committee to whom was referred the petitions of citizens of Wapello county, praying the organization of said county, reported No. 41. H. R. File, A Bill to organize the county of Wapello.

Mr. Wilson from the Committee on Roads and Highways, to whom was referred the petition of sundry citizens of Lee County, praying the relocation of a portion of the Territorial Road, running from Fort Madison to West Point, also the petition of citizens of Muscatine Co., praying for the relocation of a portion of the Territorial Road, from Wyoming to Iowa City, reported, that the Committee had had the same under consideration, and directed him to report, that it is inexpedient to grant the prayer of the said petitioners, for the reason, that the authority asked for, is given to the Board of Commissioners of the different Counties.

The Committee therefore asked to be discharged from the further consideration of the subject.

The House agreed to the report of the Committee.

Mr. Grimes, in accordance with previous notice, introduced No. 42, H. R. File, A Bill to organize the Burlington University, which was read a first time.

Mr. Thompson, from the Committee on the Judiciary, to whom was referred, No. 38, H. R. File, A Bill to amend an Act entitled An Act regulating Criminal Proceedings, reported, that the committee had had said Bill under consideration and directed him to report, that that part of the Bill which refers to cases past, is contrary to good policy, and that so far as it relates to future cases it is uncalled for, as there is another Bill now pending remyding the same defect. They therefore recommend the indefinite postponement of said Bill.

Which question being put, passed in the affirmative.

Yeas 17—Nays 8.

The Yeas and Nays being demanded by two members, those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Grimes, Hackle man, Johnson, Mitchell, McCleary, Smyth, Steele, Thompson, Wray, Wilson, and Carleton, (Speaker.)

Those who voted in the negative are

Messrs. Foley, Hebard, Nowlin, Robb, Roberts, Rogers, Walworth, and Wright.

Mr. Johnson from the Committee on Public Buildings, to whom was referred, No. 17, C. F. Joint Resolutions authorizing the Auditor of Public Accounts, to audit the account of Edwin Guthrie, for work done



on the Penitentiary, reported the same back to the House without amendment.

A message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

I herewith return An Act to amend An Act, entitled An Act districting the Territory into Electoral districts.

The same being signed by the President of the Council.

The Council have passed No. 22, C. F. "A Joint Resolution asking an appropriation to defray the expenses of a Treaty with the Pottawatomie Indians, and

No. 23, C. F. "A Joint Resolution authorizing the Auditor to audit certain warrants.

In which I am directed to ask the concurrence of the House.

And then he withdrew.

Mr. Walworth, from the Committee on Engrossed Bills reported, that the Committee had examined No. 2. H. R. File, A Bill to repeal the Charter of the Miners' Bank of Dubuque, &c., and found the same correctly engrossed.

Mr. Baker, from the select Committee, appointed for that purpose, introduced No. 43, H. R. File, "A Bill relative to religious societies.

No. 44, H. R. File, "A Bill donating certain property in Iowa City to the Mechanic's Mutual Aid Association.

No. 45, H. R. File, "A Bill attaching a portion of Washington Co., to the county of Johnson, and

No. 46, H. R. File, "A Bill to amend An Act for the election of Constables, and defining their duties.

Said Bills were severally read a first time.

The House resumed in Committee of the whole House the consideration of

No. 19. H. R. File "A Bill to confine the jurisdiction of Justices of the Peace and Constables, in certain cases, to their own Townships, &c. And after some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Wilson reported, that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same to the House with amendments, and ask its concurrence.

On motion of Mr. Nowlin,

Ordered, That the Bill be referred to a Select Committee, and that he be excused from serving on said Committee.

Whereupon, Messrs. Thompson, Grimes, and Walworth were appointed said Committee.

No. 31, H. R. File, "A Bill defining the jurisdiction of the Supreme Court, and regulating the practice therein;"

Was read a second time, and referred to a Committee of the Whole House, and made the order of the day for Monday next.

On motion of Mr. Wilson, the House adjourned until 2 o'clock, P. M.



## 2 O'COLCK, P. M.

No. 34, H. R. File, "A Bill to organize the Militia of this Territory;" was read a second time; and,

On motion of Mr. Wilson,

Referred to a Committee of the Whole House, and made the order of the day for Tuesday next.

No. 35, H. R. file, "A Bill to incorporate the Farmington Academy and High School,"

Was read a 2d time.

On motion of Mr. Robb,

The Bill was amended by adding the following section, to wit: That any future Legislature may amend, alter, or repeal this act.

The Bill was then ordered to be engrossed and read a third time on Monday next.

No. 36, H. R. file, "A Bill to locate a Territorial Road from Wapello, Louisa county, to Augusta, in Des Moines county."

Was read a 2d time, and,

On motion of Mr. Grimes,

Referred to the delegations from Des Moines and Louisa counties.

No. 37, H. R. File, "A Bill to legalize Deeds and other instruments of writing;" was read a second time, and,

On motion of Mr. Thompson,

The House resolved itself into a Committee of the whole House on said Bill.

After some time spent therein, Mr. Speaker resumed the chair, and Mr. Culbertson reported, that the Committee had according to order, had said Bill under consideration, had made one amendment thereto, and directed him to report the same to the House, and ask its concurrence.

The House concurred in the report of the Committee.

On motion of Mr. Thompson,

Ordered, That the Bill be engrossed and read a 3d time on Monday.

No. 39, H. R. File, "A Bill requiring the District Court to entertain jurisdiction of causes brought up to said Court by appeal or certiorari, from Justices of the Peace, &c.,"

Was read a second time, and ordered to be engrossed for a third reading on Monday next.

No. 1, H. R. file, "A Bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for winding up the affairs of the same."

Was read a 3d time.

And the question being put, Shall the Bill pass?

It passed in the affirmative. Yeas 18, Nays 7.

The Yeas and Nays being demanded by two members

Those who voted in the affirmative are,



Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Foley, Hackleman, Johnson, McCleary, Nowlin, Roberts, Rogers, Smyth, Thompson, Wray, Wright, and Carleton, [Speaker.]

Those who voted in the negative are,

Messrs. Grimes, Hebard, Mitchell, Robb, Steele, Walworth, and Wilson.

So the bill passed, and the title was agreed to.

No. 21, H. R. File, "A Bill to authorize Aaron Street, Jr., as administrator of Peter Boyer, deceased, to make a title to certain real estate," was read a third time.

And the question being put, Shall the Bill pass?

It passed in the affirmative. Yeas 15, Nays 10.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Culbertson, Foley, Hackleman, Johnson, McCleary, Nowlin, Robb, Roberts, Steele, Thompson, Wilson, Wray, and Wright.

Those who voted in the negative, are,

Messrs. Bonney, Borland, Brophy, Grimes, Hebard, Mitchell, Rogers, Smyth, Walworth, and Carleton, (Speaker.)

So the Bill passed.

No. 22, H. R. File, "A Bill to establish a Territorial Road from Iowaville, on the Des Moines river, to the Missouri line."

No. 23, H. R. File, "A Bill to organize the counties of Keokuk and Mahaska."

No. 24, H. R. file, "A Bill to legalize the acts of John A. Drake and Samuel B. Ayres, acting Justices of the Peace.

No. 26 H. R. File, "A Bill for the relief of Thomas Summerline, Collector of Van Buren county.

No. 32, H. R. File, "A Bill to incorporate the Mechanics' Institute of Burlington."

No. 2, C. F. "Joint Resolutions relative to the sale of tools and other property belonging to the Territory.

No. 11, C. F. "A Bill to authorize David B. Anderson and Henry C. Anderson, to keep a Ferry across the Mississippi river opposite the lower end of Burlington."

No. 13, C. F. "A Bill to locate and establish a Road from the lower end of Burlington to D. B. Anderson's Mill."

No. 17, C. F. "Joint Resolution, authorising the Auditor of Public Accounts to audit the account of Edwin Guthrie for work done on the Penitentiary."

Said Bills were severally read a third time, and passed.

Ordered, That the Clerk acquaint the Council accordingly.

No. 10, C. F. "A Bill to authorize Rachael Hamilton, administratrix of the estate of James Hamilton, deceased, to sell and convey certain real property therein named,"

Was read a third time.

And the question put, Shall the bill pass?



It passed in the affirmative. Yeas 13, Nays 12.

The yeas and nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Brierly, Foley, Hackleman, Johnson, McCleary, Nowlin, Robb, Roberts, Steele, Wilson, Wray, and Wright.

Those who voted in the negative, are,

Messrs. Bonney, Borland, Brophy, Culbertson, Grimes, Hebard, Mitchell, Rogers, Smyth, Thompson, Walworth, and Carleton, (Speaker.)

So the Bill passed.

No. 14, C. F. "A Bill to authorize Guy Wells and James Wilson to establish and keep a Ferry across the Mississippi river at Fort Madison, in Lee county,"

Was read a third time, and,

On motion of Mr. Rogers,

Referred to the delegation from Lee county.

A motion was made by Mr. McCleary to reconsider the vote by which the House indefinitely postponed

No. 38, H. R. File, "A Bill to amend an act entitled An Act regulating Criminal Proceedings."

A motion was made by Mr. Rogers, that the motion to re-consider be laid on the table, and passed in the affirmative.

Yeas 16—Nays 9.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are,

Messrs. Baker, Bonney, Brierly, Borland, Foley, Hackleman, Hebard, M'Cleary, Nowlin, Robb, Roberts, Rogers, Walworth, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Brophy, Culbertson, Grimes, Johnson, Mitchell, Smyth, Steele, Thompson, and Wilson.

A motion was made by Mr. Bonney, to take from the table,

The motion made some days since by Mr. Thompson to reconsider the vote on the passage of No 7, H. R. File, "An act to change the time of holding the General Election," and was decided in the affirmative.

The question then recurred on the motion to reconsider the vote on the passage of the Bill and was decided in the negative.

So the bill passed.

Mr. Foley presented the account of Doolittle and Munson, for engraving Seals for the Courts of Delaware and Clinton counties, which was referred to the Committee on claims.

Mr. Nowlin from the Committee on Claims, to whom was referred a certain communication from John M. Coleman, Territorial Agent, in relation to the act. of Messrs. A. Shawk, & Co. of Cincinnati for locks and bolts for State House, - - - \$79,25  
Also, an act. of Mr. Greenwood of Cincinnati for butts, - - - 20,25

Making in all,

\$99,50



Reported as follows:

Your Committee have carefully examined several letters of correspondence, and have had a personal interview with John M. Coleman Territorial Agent, and W. B. Snyder, Superintendent of Public Buildings, and find the following facts to exist, that some time in the year 1842 a conversation took place between John M. Coleman, Territorial Agent, Wm. B. Snyder Superintendent of Public Buildings, and Mr. Thomas Snyder, in relation to procuring locks, bolts, and butts, for the lower part of the State House, and it was agreed upon, that Mr. Thos. Snyder should draw on Messrs A. Shawk & Co., for said locks, &c., and that the same should be charged to the Territory. A memorandum was made out, and Mr. T. Snyder, drew for the same. Messrs. A. Shawk & Co. did procure all the articles named in said memorandum, (the butts being furnished by Mr. Greenwood as per account,) and put them in one box, shipped them on the steam boat Boston.

Your Committee would further state, that the Boston sunk on its trip from Cincinnati to St. Louis, and that by contract with the Boston, the Diving Bell Company became the owner of three-fourths of all the goods recovered from said wreck. This box was recovered and sold in St. Louis for \$40—12 of which is due the owner of said box, and yet in the hands of said Bell Company. From all the facts above alluded to, your Committee are fully of the opinion that the above accounts should be audited and paid.

The House concurred in the Report of the Committee.

Mr. Walworth, from the Committee on Engrossed Bills, reported, that the Committee had examined Nos. 29, 35, 37 and 39 H. R. file, and found the same correctly engrossed.

On motion of Mr. Robb,

The House adjourned until Monday at 10 o'clock A. M.

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### Monday Morning, January 15, 1844.

Mr. Thompson presented the petition of 87 citizens of New London Township, in Henry county, praying the Legislative Assembly to enact a Law, reducing the width of the Highways in said township to sixty feet.

Ordered, That said petition be referred to the Committee on Roads and Highways.

Mr. Culbertson presented the petition of 68 citizens of Jefferson county, praying the unconditional repeal of the "Valaution Law."

Ordered, That said petition be referred to the Committee on the Judiciary.

Mr. Culbertson presented the petition of citizens of Jefferson, Wa-



pello and Mahaska counties, praying for the establishment of a Territorial Road from Fairfield to the mouth of Whitebreast in Mahaska county.

Ordered, That said petition be referred to a select Committee composed of the delegations from Jefferson and Washington counties.

Mr. Robb gave notice, that he would on to-morrow, ask leave to introduce "A Bill to incorporate the Common School Association, in Henry county.

Mr. Hebard gave notice that he would, on some future day, introduce "A Bill defining lawful fences, and regulating division fences between contiguous lands, belonging to different owners.

Mr. Brierly, from the select Committee, to whom was referred, No. 14, C. F. "A Bill to authorize Guy Wells and James Wilson, to establish and keep a Ferry across the Mississippi river at Fort Madison, in Lee county, reported the same back with an amendment.

Which was read a first time.

Mr. McCleary from the select Committee to whom was referred No. 36 H. R. File, "A Bill to locate a Territorial Road, from Wapello, in Louisa county, to Augusta, in Des Moines county, reported the same back with an amendment.

Which was read a first time.

The Speaker laid before the House a Communication from J. E. Davidson, Secretary of the Iowa City Literary Institute, notifying the members of the Legislative Assembly of their election as Honorary members of said society.

No. 22, C. F. "A Joint Resolutions asking an appropriation, to defray the expenses of a Treaty with the Potawattomie Indians.

No. 23, C. File, "A Joint Resolution authorizing the Auditor to Audit certain Warrants.

Said Joint Resolutions were severally read a first time.

The Resolution offered by Mr. Hebard on the 8th of Dec. relative to an adjournment, being the order of the day, was taken from the table.

A motion was made by Mr. Walworth, that the 20th of January be stricken out, and the 30th of January be inserted.

When, Mr. Baker made a motion that said Resolution do lie upon the table.

Which motion having precedence was put and passed in the affirmative.

No. 31, H. R. File, "A Bill defining the Jurisdiction of the Supreme Court, and regulating the practice therein," being the order of the day, was referred to a Committee of the whole House.

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Walworth, reported that the Committee had according to order, said Bill under consideration and, directed him to report the same to the House, with sundry amendments, and ask its concurrence,

Pending which,

On motion of Mr. Robb,



The Bill was laid on the table.

A Message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

I am directed to inform the House that the Council have concurred in the amendment made by the House to,

No. 2, C. F. "Joint Resolutions relative to the sale of tools and other property belonging to the Territory of Iowa."

And have also concurred in all the amendments of the House to,

No. 11, C. F. "A Bill to authorize David B. Anderson and Henry C. Anderson, to keep a Ferry across the Mississippi river, opposite the lower end of Burlington."—except the last amendment to which they have disagreed.

And then he withdrew.

On motion of Mr. Rogers,

The House adjourned until to-morrow morning at 10 o'clock.

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**Tuesday Morning, January 16, 1844.**

In consequence of the indisposition of the Speaker, the House was called to order by the Chief Clerk.

On motion of Mr. Wright,

Ordered, That Mr. Rogers be appointed Speaker, pro tem.

Mr. Bonney presented the petition of 198 citizens of Van Buren county, praying that a law may be enacted, authorizing the raising of the Dams, now chartered on the Des Moines river, three feet.

Ordered, That said petition be referred to the Committee on Corporations.

Mr. Borland presented the petition of 70 citizens of Van Buren county, praying the repeal, or modification, of the Valuation Law.

Ordered, That said petition be referred to the Committee on the Judiciary.

Mr. Brophy, from the Committee on Agriculture reported

No. 47, H. R. "A Bill to improve the breed of cattle, sheep, and hogs," which was read a first time.

Mr. Nowlin, from the Committee on Claims, reported

No. 48, H. R. File, "Joint Resolution, providing for the payment to Doolittle & Munson, for certain Seals."

Mr. Robb, in accordance with previous notice, introduced

No. 49, H. R. File, "A Bill to incorporate the Common School Association of Henry county."

Mr. Brophy, in accordance with notice given, introduced

No. 50, H. R. File, "A Bill to repeal an act, entitled An Act for the prevention of certain immoral practices."



Said Bills were severally read a first time.

No. 11, C. F. "A Bill to authorize David B. Anderson and Henry C. Anderson to keep a Ferry across the Mississippi river, opposite the lower end of Burlington," in which the Council disagreed to the amendment made by the House, was taken up.

A motion was made by Mr. Hackleman, that the House do recede from their amendment, which is in the words following:

"That any future Legislature may alter, amend, or repeal this act."  
Which passed in the affirmative.

Yeas 13, Nays 11.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brierly, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Robb, Roberts, Steele, Walworth, Wilson, and Wright.

Those who voted in the negative are,

Messrs. Baker, Bonney, Borland, Brophy, Culberston, Foley, Nowlin, Rogers, Smyth, Thompson, and Wray.

So the House receded from said amendment.

No. 34, H. R. File, "A Bill for an act to organize the Militia of this Territory," being the order of the day,

Was referred to a Committee of the Whole House for the consideration of the same. And after some time spent therein,

Mr. Speaker resumed the chair, and Mr. Nowlin reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same to the House, and ask leave to sit again on Friday next. Leave was granted.

No. 36, H. R. File, "A Bill to locate a Territorial Road from Wapello, in Louisa county, to Augusta, in Des Moines county;"

Was read a second time, and,

On motion of Mr. McCleary,

Ordered to be engrossed and read a 3d time to-morrow.

No. 40, H. R. File, "A Bill, vesting in married women all property acquired by them in their own right, either before or after marriage;"

Was read a second time, and referred to a Committee of the Whole House, and made the order of the day for Thursday next.

No. 31, H. R. File, "A Bill defining the Jurisdiction of the Supreme Court," &c. was,

On motion of Mr. Grimes,

Taken from the table, and the amendments made on yesterday, in Committee of the Whole House, concurred in.

On motion of Mr. Baker,

Ordered, That the bill be engrossed, and read a third time on Friday next.

A message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

I herewith present for your signature,

An Act to authorize Rachael Hamilton, administratrix of the estate



of James Hamilton, deceased, to sell and convey certain real property therein named.

An Act to locate and establish a Road from the lower end of Burlington to David B. Anderson's Mill, and

Joint Resolution, authorising the Auditor of Public Accounts to audit the account of Edwin Guthrie for work done on the Penitentiary.

The Council have also passed

No. 20, C. File, "A Bill for the relief of Chancey Swan."

In which I am directed to ask the concurrence of the House.

No. 21, H. R. File, "A Bill to authorize Aaron Street, Jr., as administrator of Peter Boyer, deceased, to make a title to certain real estate, in and near Salem, in Henry county."

I am also directed to inform the House, that the Council have reconsidered their vote concurring in the amendment of the House to

No. 2, C. F. "Joint Resolutions relative to the sale of tools and other property belonging to the Territory,"

And have laid the same upon the table.

And then he withdrew.

A motion was made by Mr. Nowlin, to take from the table the Resolution relative to the printing of the Journals of the House.

Pending which, On motion of Mr. Baker,

The House adjourned until 2 o'clock, P.M.

## 2 O'COLCK, P. M.

No. 41. H. R. File, "A Bill to organize the county of Wapello," was read a 2d time, and referred to a Committee of the Whole House.

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Grimes reported, that the Committee had, according to order, had said Bill under consideration, had made one amendment thereto, and directed him to ask the concurrence in the same.

The House concurred in the report of the Committee.

On motion of Mr. Robb,

Ordered, That the bill be re-committed.

No. 42, H. R. File, "A Bill to incorporate the Burlington University," was read a second time.

A motion was made by Mr. Brophy, to amend the bill, by adding the following section, to wit:

That any future Legislature may amend or repeal this act.

And passed in the affirmative, Yeas 13, Nays 11.

The yeas and nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Foley, Hackleman, Nowlin, Rogers, Smyth, Thompson, Wray, and Wright.

Those who voted in the negative, are,

Messrs. Brierly, Grimes, Hebard, Johnson, Mitchell, McCleary, Robb, Roberts, Steele, Walworth, and Wilson.

On motion of Mr. Grimes,



Ordered, That the bill be engrossed, and read a third time to-morrow.

No. 43, H. R. File, "An Act relative to religious societies,"

Was read a second time; and,

On motion of Mr. Thompson,

Referred to the Committee on the Judiciary.

Mr. Robb, from the Committee on Enrolled Bills, reported, that the Committee had examined

An Act to authorize Aaron Street, Jr., as administrator of Peter Boyer, deceased, to make a title to certain real estate, and found the same correctly enrolled.

The Speaker signed said act.

No. 44, H. R. File, "A Bill donating certain property in Iowa City to the Mechanic's Mutual Aid Association,"

Was read a second time, and,

On motion of Mr. Grimes,

Ordered to lie upon the table.

No. 45, H. R. File, "A Bill to attach a portion of Washington county to the county of Johnson," was read a 2d time. and,

On motion of Mr. Baker,

Ordered to be engrossed, and read a third time to-morrow.

No. 46, H. R. File "A Bill to amend An Act for the election of Constables, and defining their duties,"

Was read a second time, and,

On motion of Mr. Grimes,

Referred to a Select Committee, with instructions to report, by bill, providing that Constable's bonds shall be made payable to the Trustees of the Township in which they may be elected, and deposited with the township Clerk.

Messrs. Baker, Nowlin, and Foley were appointed said Committee.

A motion was made by Mr. Nowlin, to take from the table a Resolution relative to the printing of the Journals.

Which was decided in the negative.

No. 14, C. F. "A Bill to authorize Guy Wells and James Wilson, to establish and keep a Ferry across the Mississippi river at Fort Madison, was read a 2d time, and

On motion of Mr. Brierly,

Ordered to be read a third time to-morrow.

No. 22, C. F. "A Joint Resolution asking an appropriation, to defray the expenses of a Treaty with the Potawattomie Indians,"

Was read a 2d time, and,

On motion of Mr. Bonney,

Referred to a Select Committee, viz: Messrs. Bonney, Grimes, and Baker.

On motion of Mr. Brierly,

No. 12, C. F. "A Bill to change the name of William B. Peck and Ann M. Peck," was taken from the table, and, after being slightly amended, was



Ordered to be read a third time to-morrow.

No. 23, C. File, "A Joint Resolution authorizing the Auditor to Audit certain Warrants," was read a second time.

And referred to the Committee on Public Buildings.

No. 29, H. R. File, "A Bill to organize the county of Davis, and to provide for the location of the Seat of Justice thereof," was read a third time, and after filling a blank, was passed.

Ordered, That the Clerk notify the Council accordingly.

On motion of Mr. Foley,

No. 6, C. F. "A Memorial to Congress relative to the formation of a Constitution and State Government," was taken from the table, and referred to a committee of the Whole House, and made the order of the day for to-morrow.

On motion of Mr. Bonney,

The House adjourned until to-morrow morning at 10 o'clock.

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### Wednesday Morning, January 17, 1844.

Mr. Hackleman presented the petition of 15 citizens of Des Moines county, praying that the Law authorizing the opening of private Roads, may be so altered, as to allow to remain open all section lines where the same may be necessary.

Ordered, That said petition be referred to the Committee on Roads and Highways.

Mr. McCleary, gave notice, that he would on some future day introduce, "A Bill to incorporate the Grand View Literary and Philosophical Society.

Mr. Thompson gave notice, that he would, on some future day introduce, "A Bill, regulating marriages and dispensing with licenses therefor.

Mr. Walworth, from the Committee on Engrossed Bills, reported,

No. 30, H. R. File, "A Bill to enable settlers on public lands, to recover value for their improvements."

No. 36, H. R. File, "A Bill to locate a Territorial Road from Wapello in Louisa county, to Augusta, in Des Moines county."

No. 42, H. R. File, "A Bill to incorporate the Burlington University," also,

No. 45, H. R. File, "A Bill attaching a portion of Washington Co., to the county of Johnson," as correctly Engrossed.

Mr. Culbertson, from the Committee to whom was referred

No. 41, H. R. File, "A Bill to organize the county of Wapello," reported the same back with one amendment, which was read a first time.



Mr. Thompson, from the Committee on the Judiciary, to whom was referred the petition of the administrators of John Jones, deceased, also of the stockholders of the Grand View Seminary, praying the passage of a Law, authorizing the said administrators, to make a deed to certain lots in Grand View.

Reported the same back to the House, and recommended that said petition be referred to the delegation from Louisa county.

The House concurred in the report of the Committee.

Mr. Thompson from the Committee on the Judiciary reported, No. 51, H. R. File, "A Bill relative to religious societies."

Mr. Johnson, in accordance with previous notice, introduced No. 52, H. R. File, "A Bill to abolish capital punishment."

Said Bills were severally read a first time,

No. 20, C. F. "A Bill for the relief of Chauncy Swan," was read a first time.

No. 6, C. F. "A Memorial to Congress relative to the formation of a Constitution and State Government, being referred to a Committee of the whole House,

After some time spent therein, Mr. Speaker resumed the chair, and Mr. Bonney reported, that the Committee had, according to order, had said Memorial under consideration, and directed him to report the same to the House without amendments.

A motion was made by Mr. Robb, to strike out the 45th parallel of latitude, as the northern boundary of the State, and insert the following, to wit:

To the mouth of the St. Peters river, thence up the middle of main channel of the St. Peters river to its junction with the Blue earth river, thence up the Blue earth river to the 44th parallel of north latitude, thence along said parallel to the Missouri river. And was decided in the negative. Yeas 11—Nays 14.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brierly, Culbertson, Grimes, Hebard, Johnson, Mitchell, Robb, Roberts, Steele, Wilson, and Carleton, (Speaker.)

Those who voted in the negative are

Messrs. Baker, Bonney, Borland, Brophy, Foley, Hackleman, McCleary, Nowlin, Rogers, Smyth, Thompson, Walworth Wray, and Wright.

On motion of Mr. Foley,

Ordered, That the 42d rule be suspended, and the Memorial read a third time now.

The Memorial was then read a third time, and passed.

No. 12, C. File, "A Bill to change the name of William B. Peck." Was read a third time, and passed.

No. 14, C. F. "A Bill to authorize Guy Wells and James Wilson to establish and keep a Ferry across the Mississippi river at Fort Madison, in Lee county,"

Was read a third time, and,



The question being put. Shall the Bill pass?

It passed in the affirmative. Yeas 18, Nays 6.

The Yeas and Nays being demanded by two members

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Foley, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Roberts, Steele, Thompson, Walworth, Wilson, Wray, Wright, and Carleton, [Speaker.]

Those who voted in the negative are,

Messrs. Bonney, Borland, Brophy, Culbertson, Rogers, and Smyth.  
So the bill passed.

No. 30, H. R. File, "A Bill to enable settlers on the public lands to recover value for their improvements."

No. 33, H. R. File, "A Resolution to provide for the payment of the Reports of the Supreme Court.

No. 35, H. R. file, "A Bill to incorporate the Farmington Academy and High School,"

No. 36, H. R. file, "A Bill to locate a Territorial Road from Wapello, Louisa county, to Augusta, in Des Moines county."

No. 37, H. R. File, "A Bil to legalize Deeds, and other instruments of writing."

No. 39, H. R. File, "A Bill requiring the District Court to entertain jurisdiction of causes brought up to said Court by appeal or certiorari, from Justices of the Peace, &c.,"

No. 42, H. R. File, "A Bill to incorporate the Burlington University."

No. 45, H. R. File, "A Bill to attach a portion of Washington county, to the county of Johnson."

Said Bills were severally read a third time, and passed.

Ordered, That the Clerk notify the Council accordingly.

No. 47, H. R. File, "A Bill to improve Cattle, Sheep, and Hogs," was read a second time and referred to a Committee of the whole House.

After some time spent therein, Mr. Speaker resumed the chair, and Mr. Borland reported, that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same back to the House without amendment.

On motion of Mr. Brophy,

Ordered, That said Bill be referred to a select Committee of one from each electoral district.

A motion was made by Mr. Hebard that said Committee be instructed to embrace rams only in said Bill, which was decided in the negative.

Messrs. Brophy, Hebard, Wilson, Bonney, Smyth, Roberts, Nowlin, Foley and McCleary, were appointed said Committee.

No. 48 H. R. File, "A Resolution to provide for the payment of Doolittle and Munson, for engraving Seals," was read a second time, and

Ordered, to be engrossed and read a third time to-morrow.

No. 49, H. R. File, "A Bill to incorporate the Common School Association, of Henry county," was read a second time, and,

Ordered, to be Engrossed and read a third time to-morrow.



No. 50, H. R. File, "A Bill to repeal the An Act, for the prevention of certain immoral practices," was read a second time.

A motion was made by Mr. Wilson that the bill be laid upon the table, which was decided in the negative.

Yeas 11—Nays 13.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are,

Messrs. Brierly, Borland, Grimes, Hackleman, Johnson, Robb, Smyth, Steele, Thompson, Wilson and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Baker, Bonney, Brophy, Culbertson, Foley, Mitchell, M'Cleary, Nowlin, Roberts, Rogers, Walworth, Wray, and Wright.

On motion of Mr. Brophy,

Ordered, That the Bill be referred to a Committee of the whole House, and made the order of the day for Monday next.

On motion,

The House adjourned until to-morrow morning at 10 o'clock

### Thursday Morning, January 18, 1844.

A Message from the Council, by Mr. Wallace, their Secretary :

Mr. SPEAKER:

The Council have passed

No. 31, C. F. "A Bill to district the county of Scott, for the election of County Commissioners.

Also, with amendments,

No. 82, H. R. "A Bill to incorporate the Burlington Mechanics' Institute."

In which I am directed to ask the concurrence of the House.

The Council have also passed

No. 24, H. R. file, "A Bill to legalize the acts of John A. Drake and Samuel B. Ayres, acting Justices of the Peace," and

No. 26. H. R. File, "A Bill for the relief of Thomas Summerline, Collector of Van Buren county.

Mr. Speaker presented the petition of 196 citizens of the Territory, praying the incorporation of the Botanic Medical Society of Iowa Territory.

Ordered, That said petition be referred to the Committee on Incorporations.

Mr. Borland presented the petition of 19 citizens of Van Buren county, praying that Susan C. McDonald may be divorced from her husband, Alexander McDonald.

A motion was made by Mr. Borland, that the petition be referred to



the Committee on the Judiciary.

Which passed in the negative.

On motion of Mr. Grimes,

Ordered, That the petitioners have leave to withdraw their petition.

On motion of Mr. Carleton,

Resolved, That the Secretary of the Territory be authorized to pay Peter Conboy twelve dollars for six days' services, in making and keeping up fires in the Secretary's office, and in the two Houses.

Mr. Grimes gave notice, that he would, at some future day, introduce, A bill to amend an act entitled "An Act for the relief of the poor."

On motion of Mr. Grimes,

Resolved, That a Select Committee, composed of one from each electoral district, be appointed to take into consideration the necessary changes of time in holding the District Courts in this Territory, and report by bill or otherwise.

Messrs. Grimes, Brierly, Bonney, Culbertson, Wilson, McCleary, Baker, Fay, Smyth, Rogers, Foley, Brophy, Mitchell, and Carleton, were appointed said Committee.

Mr. Bonney, from the Select Committee, to which was referred No. 22, C. F. reported a substitute therefor, entitled No. 10, H. R. File, "A Joint Resolution, asking Congress for an appropriation to defray the expenses of a Treaty with the Pottowatomie Indians.

Also, asking the removal of the Missouri, Sac and Fox, and Iowa Indians.

Which was read a first time.

Mr. Grimes, from the Select Committee to which was referred No. 19, H. R. File, reported a substitute therefor, entitled

No. 54, H. R. file, "A Bill amendatory of an Act to provide for the election of Justices of the Peace, to prescribe their powers and duties," &c., which was read a first time.

Mr. Bonney asked and obtained leave of absence for Mr. Wray.

Mr. McCleary, in accordance with previous notice, introduced

No. 55, H. R. File, "A Bill to incorporate the Grandview Literary and Philosophical Society of Louisa county,"

Which was read a first time.

Mr. Wilson, from the Committee to which was referred the petition of sundry ministers and citizens, praying the passage of a law, granting licensed Ministers the privilege of passing all Ferries and Bridges, free of toll, reported, that they had carefully considered the same, and are fully aware that the class of men for whom this privilege is sought are worthy, intelligent, and eminently useful members of the body politic, that liberty only is safe in that country where the altars of religion are watched and guarded by holy men. Your Committee are also of opinion, that ministers of the gospel among us, though the most worthy, receive the least remuneration for their labor and sacrifices.

But while your Committee hold these opinions, they conceive it would be impolitic to grant the prayer of the petitioners, and would most respectfully offer the following reasons for not granting the said prayer.



First: the wide door it would open for fraud and imposition—for nothing more would be necessary for any person to procure a passage, toll free, over rivers or bridges, than to forge a license, if he see proper so to do, and palm himself off as a preacher of the gospel.

Second: Useful and pious ministers, where they are known, will rarely be charged toll or ferriage; and where they are not known, their respective denominations generally provide that the expense is not burdensome to them.

In view of these considerations, your Committee recommend that the petitioners have leave to withdraw their petition, and that the Committee be discharged from any further consideration of the subject.

The report of the Committee was concurred in.

Mr. Baker, from the Select Committee, to which was referred No. 46, H. R. File, reported a substitute therefor, entitled

No. 56, H. R. File, "A Bill to amend an act for the election of Constables, and defining their duties;"

Which was read a first time.

Mr. Johnson, from the Committee on Public Buildings, to whom was referred

No. 23, C. F. "A Joint Resolution authorizing the Auditor to audit certain Warrants;"

Reported the same back without amendment.

Mr. Walworth, from the Committee on Engrossed Bills, reported

No. 48, H. R. File, Joint Resolutions, providing for the payment of Doolittle and Munson, for certain Seals, as correctly engrossed.

A motion was made by Mr. Robb, to re-consider the vote on the passage of

No. 30, H. R. File, "A Bill to enable settlers on the Public Lands to recover value for their improvements."

Mr. Nowlin being in the Chair, officiating as Speaker, decided that inasmuch as the bill had gone to the Council, it was not within the control of the House; therefore the motion was out of order.

From which decision Mr. Grimes took an appeal; and, after debate,

The question was put, Shall the decision of the Chair stand as the judgment of the House?

And passed in the affirmative. Yeas 16, Nays 7.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Borland, Brophy, Culbertson, Foley, Hackleman, Johnson, McCleary, Roberts, Rogers, Smyth, Thompson, Walworth, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are,

Messrs. Bonney, Grimes, Hebard, Mitchell, Nowlin, Robb, Steele, and Wilson.

So the decision of the Chair was sustained.

No. 40, H. R. File, "A Bill vesting in married women all property acquired by them in their own right, either before or after marriage,"



was referred to a Committee of the Whole House for the consideration of the same. After some time spent therein,

Mr. Speaker resumed the chair, and Mr. Walworth reported, that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same to the House, and ask leave to sit again this afternoon.

Leave was granted.

A Message from the Council, by Mr. Wallace, their Secretary :

MR. SPEAKER :

I am directed to present, for your signature,

An Act to change the name of Wm. B. Peck and Ann M. Peck;

An Act to authorize David B. Anderson and Henry C. Anderson to keep a Ferry across the Mississippi river, opposite the lower end of Burlington; and,

A Memorial to Congress, relative to the formation of a Constitution and State Government.

And then he withdrew.

The Speaker then signed said Bills.

On motion,

The House adjourned until 2 o'clock, P. M.

## 2 O'COLCK, P. M.

Mr. Brierly presented the petition of 668 citizens of Lee county, residents on the Half-Breed Tract, praying for a division of said county, and that the line known as the line between the Half-Breed Tract and the balance of the county, be the northern line of the new country, and that the Seat of Justice may be located by a majority of the citizens thereof.

Ordered, That the petition be referred to the delegation from Lee county.

Mr. McCleary, with leave, introduced

No 57, H. R. File, "A Bill to authorize the administrators of John Jones, deceased, to make a title to certain real estate in Grandview, Louisa county;"

Which was read a first time.

The House resumed. in Committee of the Whole House, the consideration of No. 40 H. R. File, "A Bill vesting in married women all property, acquired by them in their own right, either before or after marriage.

After some time spent therein, Mr. Speaker resumed the chair, and Mr. Walworth reported, that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same to the House with one amendment, and ask its concurrence.

The House concurred in the report of the Committee.

On motion of Mr. Foley,

Ordered, That said bill be referred to the Committee on the Judiciary.



On motion of Mr. Robb,  
The House adjourned until to-morrow morning at 10 o'clock.

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**Friday Morning, January 19, 1844.**

Mr. Hackleman, on leave being granted, introduced,  
No. 58 H. R. File, "Joint Resolution providing for the publication of the Laws of the present session."

Mr. Robb, by leave of the House introduced,  
No. 59, H. R. File, "Joint Resolution authorizing the Secretary of the Territory, to contract for the publication of the Laws, and the Journals, of the two Houses, for the present session."

Said Resolutions were severally read a first time.

On motion of Mr. Bonney,

Ordered, That the Committee on Territorial Affairs be instructed to enquire into the expediency of Memorializing Congress, to amend the "Pre-emption Law, so that persons settling on Public Lands, before the survey of the same," may be entitled to all the rights and privileges of said law.

Mr. Thompson gave notice, that he would, on some future day, introduce,

A Bill to amend "An Act to prevent and punish gaming," approved 13th Feb. 1843.

Mr. Grimes, from the Committee on Corporations, to whom was referred the petition of citizens of the Territory, praying the Incorporation of the Botanic Medical Society of Iowa Territory, reported,

No. 60, H. R. File, "A Bill to incorporate the Iowa Botanic Medical society, which was read a first time.

Mr. Foley, from the Committee on Township and county Boundaries, to whom was referred the petition of 119 citizens of Clinton county, praying the re-location of the seat of Justice of said county, also, the remonstrance of 196 citizens of said county, remonstrating against the re-location.

Reported, That the Committee, after bestowing that consideration upon the subject, which the importance of the case demands, have arrived at the conclusion that it is inexpedient and improper to grant the prayer of said petition, and recommended that the petitioners have leave to withdraw their petition, and that the Committee be discharged from the further consideration thereof.

Ordered, That the report of the Committee be concurred in.

Mr. Walworth, from the Committee on Engrossed Bills, reported,  
No. 31, H. R. File, "A Bill defining the Jurisdiction of the Supreme Court, and regulating the practice therein," as correctly engrossed.



Mr. Hebard, from the Joint Committee on Enrollments, reported, that the Committee did, on the 17th inst., present to the Governor for his approval,

"An Act to authorize Aaron Street Jr. as administrator of Peter Boyer deceased, to make a title to certain Real Estate, in and near Salem, in Henry county."

Mr. Hebard also reported, as correctly enrolled,

"An Act for the relief of Thomas Summerlin, collector of Van Buren county."

The Speaker signed said act,

Mr. Brophy, from the select Committee, to which was referred, No. 47, H. R. reported a substitute therefor, entitled No. 61, H. R. File, "A Bill for the improvement of Sheep."

Mr. Rogers, from the Committee on Territorial Affairs, reported as follows:

The Committee on Territorial Affairs, to whom was referred the petition of Malcolm Murray, late of the firm of Murray and Sanxay, praying for interest upon Territorial scrip, report that they have investigated the matter and find that during the years of '39 and '40, the twenty thousand dollars, appropriated by Congress, for the erection of the Capitol at Iowa City, together with all the monies received from the sales of the said years, were expended; they further find that during the session of the Legislature of '40 and '41 a loan was authorized to be effected by the Territorial Agent, not exceeding in amount the sum of twenty thousand dollars, for the further prosecution of the work—that the Territorial Agent failing to affect a loan to the full amount authorized by the Legislature, resorted to the expedient of issuing Territorial Scrip—that the firm of Murray and Sanxay, anxious to render the object of the Territorial Agent effective, and believing that the Legislature would throw no impediment in the way of the speedy redemption of the Scrip, readily received the same, in all their business transactions, the same as cash. In this, however, they were disappointed, for the Legislature, at the session of '41 and '42, repealed the law authorizing the loan, and directed the subsequent sale of lots to be made for work and labor on the Capitol. Through these means the ability of the Agent to redeem the scrip was entirely destroyed, and the firm of Murray and Sanxay was left, according to the Report of the Territorial Agent, with a large amount in their hands. By that Report it appears that the average amount in their possession during the year of '42 was about two thousand dollars, and that for the year '43, about one thousand five hundred dollars.

Your Committee would further state, that there is still the sum of thirteen hundred and sixty five dollars unredeemed, and for which the Territorial Agent gave the said Murray and Sanxay a certificate of indebtedness.

Your Committee, in view of all the circumstances, think the prayer of the petition ought to be granted, and have therefore directed me to report the following entitled bill.



No. 62, H. R. File, "A Bill for the relief of Malcom Murray, late of the firm of Murray and Sanxay.

Mr. Rogers introduced,

No. 63, H. R. File, "A Bill to change the name of Avery Thomas."

Said Bills were severally read a first time.

No. 32, H. R. "A Bill to incorporate the Mechanics' Institute, of Burlington," as amended by the Council, was taken up and concurred in.

No. 31, C. F. "A Bill to district the county of Scott, for the election of County Commissioners," was read a first time.

No. 34, H. R. File, "A Bill to organize the Militia of this Territory," being the order of the day, was referred to a Committee of the whole House, for the consideration of the same.

After some time spent therein, Mr. Speaker resumed the chair, and Mr. Thompson reported, that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same back to the House without amendment.

On motion of Mr. Grimes,

Ordered, That the Bill be referred to a Committee of one from each electoral district.

Whereupon, Messrs. Baker, Roberts, Bonney, Grimes, Wilson, Culbertson, McCleary, Fay, Walworth, Mitchell, Brophy, Foley and Rogers, were appointed said Committee.

No. 20, C. F. "A Bill for the relief of Chauncey Swan."

No. 23, C. File, "A Joint Resolution authorizing the Auditor to audit certain Warrants."

Were severally read a second time; and,

Ordered to be read a third time to-morrow.

No. 41, H. R. File, "A Bill to organize the county of Wapello,"

Was read a second time, and,

On motion of Mr. Culbertson,

Ordered to be engrossed, and read a third time to-morrow.

On motion of Mr. Grimes,

No. 44, H. R. File, "A Bill donating certain property in Iowa City to the Mechanic's Mutual Aid Association,"

Was taken from the table, and after being slightly amended.

A motion was made by Mr. Grimes that the bill be indefinitely postponed.

Which was decided in the negative.

Yeas 6, Nays 18.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Grimes, Mitchell, Nowlin, Robb, Rogers, and Steele.

Those who voted in the negative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culberston, Foley, Hackleman, Hebard, Johnson, McCleary, Roberts, Smyth, Thompson, Walworth, Wilson, Wright, and Carleton [Speaker.]

On motion of Mr. Carleton,



Ordered that the Bill be engrossed and read a 3d time to-morrow.

A message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

The Council have passed.

No. 25, C. F. "A Bill to locate a Territorial Road from Fairfield, in Jefferson county, to the Raccoon Fork of the Des Moines river."

Also with amendments.

No. 23, H. R. File, "A Bill to organize the counties of Mahaska and Keokuk."

In which I am directed to ask the concurrence of the House.

And then he withdrew.

On motion of Mr. Mitchell,

The House adjourned until to-morrow morning at 10 o'clock.

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**Saturday Morning, January 20, 1844.**

The Judiciary Committee, to whom was referred the petition of Thomas Hare, praying the Legislature to enact a law, legalizing his marriage with Eliza Jane Willis, which was solemnized on the 8th day of October, 1843, by an ordained minister of the gospel, who had not produced to the Clerk of the District Court credentials of his having been a regularly ordained minister, nor received a license to solemnize marriages within this Territory as required by law, have had the same under consideration, and have directed me to report, That such an act of the Legislature is unnecessary; that according to the petitioner's representation, the minister was, in all other respects than having obtained a license therefor, qualified to solemnize marriages.

In the absence of all other objections, said marriage is strictly legal and obligatory on the parties and the issue thereof. The objection goes only to the conduct of the minister, who is prohibited under a penalty, from solemnizing marriages without first having obtained such license. If he has failed to comply with the law, he alone is guilty, not the parties or their offspring.

Resolved, That the petitioner have leave to withdraw his petition.

The report was concurred in.

Mr. Johnson, from the Committee on Public Buildings, submitted the following report:

The Committee on Public Buildings, to whom was referred the report of the Territorial Agent, beg leave, most respectfully, to report—

That your Committee are of opinion, that in order to pay the debt due by the Territory to the Miners' Bank of Dubuque, it would be expedient to authorize the Territorial Agent, to sell a sufficient number of the unsold lots to pay said debt, at two-thirds of the minimum price



of said lots, or to offer to said Bank any of said unsold lots that any authorized agent might select on the same terms: provided said agent should select a sufficient number of lots to pay the whole debt.

Your Committee would further recommend that the proceeds of the sales of those lots that have been sold for labor and materials for the Capitol, be so applied as to finish that portion of the work which will suffer most injury by remaining unfinished; and in view of the present embarrassed condition of the finances of the Territory, believing that little or no progress can be made in the public buildings during the coming season, your Committee would most respectfully recommend a reduction of the salary of the Territorial Agent, and therefore beg leave to report the following entitled bill. All of which is most respectfully submitted.

No. 64, H. R. File, "A Bill authorizing the Territorial Agent to sell lots in Iowa City to discharge the debt due the Miners' Bank of Dubuque."

Mr. Wilson, from the Committee on Roads and Highways, introduced,

No 65, H. R. File, "A Bill to locate a Territorial Road from Davenport to Iowa City."

Said bills were read a first time.

Mr. Walworth, from the Committee on Engrossed Bills, reported that they had examined No. 41, 44, 49, H. R. File, and found the same correctly engrossed.

A motion was made by Mr. Bonney that the rules be suspended for the time being, in order that Mr. Roberts might introduce a bill, and was decided in the affirmative.

Mr. Roberts then introduced,

No. 66, H. R. File, "A Bill to amend an act entitled 'An Act to incorporate the Farmers' Half Breed Land Company, in the county of Lee;' which was read a first time.

Mr. Hebard, from the Committee on Enrolled Bills, reported that they had examined.

An Act to legalize the acts of John A. Drake and Samuel B. Ayres, acting Justices of the Peace.

An Act to incorporate the Burlington Mechanics' Institute, and found the same correctly enrolled.

The Speaker then signed said acts.

Mr. Foley, in accordance with previous notice, introduced

No. 67 H. R. File, "A Bill to incorporate the Dubuque, Clayton, Delaware, and Jackson Mutual Fire Insurance Company;"

Which was read a first time.

No. 25, C. File, "A Bill to locate a Territorial Road from Fairfield, in Jefferson county, to the Indian Agency, at the Raccoon Fork of the Des Moines river;"

Was read a first time.

No. 23, H. R. File, "A Bill to organize the counties of Keokuk and Mahaska, being returned from the Council with several slight



amendments, were all concurred in, except that made to the 13th section, to wit: Striking out the name of John Grimsley, and inserting that of Ebenezer Perkins, as one of the Commissioners to locate the Seat of Justice of Mahaska county.

Which was disagreed to.

No. 51, H. R. File, "A Bill in relation to religious societies."

No. 53, H. R. File, "A Joint Resolution asking Congress for an appropriation, to defray the expenses of a Treaty with the Potawattomie Indians; also, asking the removal of the Missouri, Sac and Fox, and Iowa Indians."

No. 55, H. R. File, "A Bill to incorporate the Grandview Literary and Philosophical Society of Louisa county."

No. 56, H. R. File, "A Bill to amend an act entitled 'An Act for the election of Constables, and defining their duties;'"

Were severally read a second time, and ordered to be engrossed and read a third time on Monday next.

No. 52, H. R. File, "A Bill to abolish capital punishment;"

Was read a second time, and,

On motion of Mr. Robb,

Referred to the Committee of the Whole House, and made the order of the day, for Thursday next.

No. 54, H. R. File, "A Bill amendatory of an act entitled 'An Act to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings.'"

Was read a second time; and,

On motion of Mr. Grimes,

Referred to the Committee of the Whole House, and made the order of the day for Tuesday next.

No. 57, H. R. File, "A Bill to authorize the administrators of John Jones, dec'd, to make a title to certain Real Estate in Grandview, Louisa county;"

Was read a second time, and,

On motion of Mr. Nowlin,

Laid on the table.

No. 58, H. R. File, "A Joint Resolution, providing for the publication of the laws of the present session.

Was read a second time.

A motion was made by Mr. Brierly, that the resolution be laid upon the table;

Which was decided in the negative. Yeas 11, Nays 12.

The yeas and nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, McCleary, Roberts, Steele, Thompson, Wilson, and Carleton, (Speaker.)

Those who voted in the negative, are,

Messrs. Brophy, Foley, Grimes, Hackleman, Nowlin, Robb, Rogers, Walworth, and Wright.



A motion was made by Mr. Hackleman, to print 3000 copies of the laws.

Which was decided in the negative.

A motion was made by Mr. Walworth, to print 2500 copies;

Which passed in the affirmative.

A motion was made by Mr. Bonney, to postpone the further consideration of the resolution until Tuesday next;

Which was decided in the negative,

Yeas 10, Nays 13.

The Yeas and Nays being demanded by two members

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, McCleary, Roberts, Thompson, and Carleton, Speaker.

Those who voted in the negative are,

Messrs. Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, Nowlin, Robb, Rogers, Steele, Walworth, Wilson, and Wright.

A motion was made by Mr. Brierly, to strike out of the resolution the name of James Clarke, and insert that of R. W. Allbright;

Which was decided in the negative.

Yeas 7, Nays 16.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Roberts, and Steele.

Those who voted in the negative are

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Rogers, Thompson, Walworth, Wilson, Wright, and Carleton, Speaker.

A motion was then made by Mr. Brierly, to strike out the name of James Clarke, and insert that of Hughes and Williams.

Mr. Grimes called for a division of the question, first on striking out.

The question was then taken on striking out the name of James Clarke, and was decided in the negative.

Yeas 8, Nays 15.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Roberts, Thompson, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Rogers, Steele, Walworth, Wilson, and Wright

A motion was made by Mr. Bonney, that the House do now adjourn.

Which was decided in the negative.

Yeas 9, Nays 14.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,



Messrs. Baker, Bonney, Brierly, Borland, Culbertson, McCleary, Roberts, Thompson, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, Nowlin, Robb, Rogers, Steele, Walworth, Wilson, and Wright.

A motion was made by Mr. Grimes, that the resolution be engrossed and read a third time on Monday next;

And was decided in the affirmative.

Yeas 17, Nays 6.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Rogers, Steele, Thompson, Walworth, Wilson, Wright, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, and Roberts. So the resolution was ordered to be engrossed.

A motion was made by Mr. Baker, that the House do now adjourn.

Which was decided in the negative.

Yeas 6, Nays 17.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Borland, Culbertson, Thompson, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Brierly, Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Rogers, Steele, Walworth, Wilson, and Wright.

A motion was made by Mr. Brierly, that the rules be suspended for the time being, for the purpose of taking from the table the resolution relative to the printing of the Journal of the House.

Which was decided in the affirmative.

Yeas 16, Nays 7.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brierly, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Rogers, Steele, Walworth, Wilson, and Wright.

Those who voted in the negative are,

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Thompson, and Carleton, (Speaker.)

So the rules were suspended.

On motion of Mr. Brierly,

Said resolution was then taken from the table.

A motion was made by Mr. Nowlin, to strike out of the resolution the name of R. W. Allbright;

Which was decided in the affirmative.



Yeas 18, Nays 5.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brophy, Culberston, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Rogers, Thompson, Walworth, Wilson, Wright, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Bonney, Brierly, Borland, Roberts, and Steele.

So the name of R. W. Albright was stricken out.

A motion was made by Mr. Nowlin, to fill the blank with the names of Wilson and Keesecker; which was decided in the affirmative.

Yeas 15, Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Rogers, Steele, Walworth, Wilson, and Wright.

Those who voted in the negative, are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Roberts, Thompson, and Carleton, (Speaker.)

A message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

The Council have passed.

No. 36, H. R. File, "A Bill to locate a Territorial Road from Wapello, in Louisa county, to Augusta, in Des Moines county."

Also, with amendments;

No. 35, H. R. File, "A Bill to incorporate the Farmington Academy and High School."

In which the concurrence of the House is requested.

The Council have also passed

No. 1, H. R. File, "A Bill to repeal the Charter of the Miners' Bank, of Dubuque, and to provide for winding up the affairs of the same," with amendments.

And then he withdrew.

A motion was made by Mr. Baker, that the House do now adjourn until Monday morning at 10 o'clock,

Which was decided in the negative.

Yeas 7—Nays 16.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are,

Messrs. Baker, Brierly, Borland, Culbertson, Roberts, Thompson, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Bonney, Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Rogers, Steele, Walworth, Wilson and Wright.

The Resolution relative to the printing of the Journal, still being under consideration,



A motion was made by Mr. Rogers, to strike out the words "editor of the Lee County Democrat," and insert "editors of the Miners' Express." Pending which.

A motion was made by Mr. Carleton, that the Resolution be laid on the table. Which was decided in the negative.

Yeas 9—Nays 14.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, McCleary, Roberts, Thompson, and Carleton, (Speaker.)

Those who voted in the negative are

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, Nowlin, Robb, Rogers, Steele Walworth, Wilson, and Wright.

So the House refused to lay the Resolution on the table.

The question then recurred on Mr. Rogers' motion to strike out and insert.

Mr. Carleton, called for a division of the question first on striking out the words "editor of the Lee County Democrat."

Which question was taken, and decided in the affirmative.

Yeas 14, Nays 9.

The yeas and nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Rogers, Walworth, Wilson, and Wright.

Those who voted in the negative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Roberts, Steele, Thompson, and Carleton, [Speaker.]

A motion was made by Mr. Carleton to fill the blank with the words, "editor of the Standard,"

Which question was taken and decided in the negative.

Yeas 5—Nays 18.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Culbertson, Thompson and Carleton [Speaker.]

Those who voted in the negative are,

Messrs. Bonney, Borland, Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Rogers, Steele, Walworth, Wilson and Wright.

The question then recurred on Mr. Rogers' motion to fill the blank with the words, "editors of the Miners' Express,"

And was decided in the affirmative.

Yeas 17—Nays 6.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Bonney, Brophy, Foley, Grimes, Hackleman, Hebard, John-



son, Mitchell, McCleary, Nowlin, Robb, Rogers, Steele, Thompson, Walworth, Wilson and Wright.

Those who voted in the negative are,  
Messrs. Baker, Brierly, Borland, Culbertson, Roberts, and Carleton (Speaker.)

A motion was made by Carleton, to postpone the further consideration of the Resolution, until Thursday next;

Which was decided in the negative.

Yeas 9—Nays 14.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,  
Messrs. Baker, Bonney, Brierly, Borland, Culbertson, McCleary, Roberts, Thompson, and Carleton [Speaker.]

Those who voted in the negative are,  
Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, Nowlin, Robb, Rogers, Steele, Walworth, Wilson, and Wright.

A motion was made by Mr. Carleton, that the House do now adjourn until Monday morning at 10 o'clock.

Which was decided in the negative.

Yeas 8—Nays 15.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,  
Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Roberts, Thompson and Carleton [Speaker.]

Those voted in the negative are,  
Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Rogers, Steele, Walworth, Wilson, and Wright.

So the House refused to adjourn.

On motion of Mr. Walworth,

The Resolution was amended, by inserting the words "of the present session." "And conditions established by law."

A motion was then made by Mr. Carleton, that the Resolution be indefinitely postponed.

Which was decided in the negative.

Yeas 8—Nays 15.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,  
Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Roberts, Thompson and Carleton [Speaker.]

Those who voted in the negative are,  
Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Rogers, Steele, Walworth, Wilson and Wright.

A motion was made by Mr. Carleton, that the Resolution be referred to a Select Committee with instructions to ascertain amongst the several printers in the Territory, who will print the Journals the cheapest.



Which was decided in the affirmative.

Yeas 12—Nays 11.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Mitchell, Robb, Roberts, Steele, Thompson, and Carleton [Speaker.]

Those who voted in the negative are,

Messrs. Foley, Grimes, Hackleman, Hebard, Johnson, McCleary, Nowlin, Rogers, Walworth, Wilson and Wright.

A motion was made by Mr. Nowlin, that Messrs. Walworth, Brophy, and Rogers be the Committee.

Pending which.

A motion was made by Mr. Brophy, to reconsider the vote on referring the Resolution to a Select Committee, when,

A motion was made by Mr. Carleton, to lay the motion of reconsideration on the table. And was decided in the negative.

Yeas 8—Nays 15.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Roberts, Thompson and Carleton, [Speaker.]

Those who voted in the negative are,

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Rogers, Steele Walworth, Wilson, and Wright.

The question was then taken, on reconsidering the vote, referring the resolution to a select Committee.

And was decided in the affirmative.

Yeas 14—Nays 9.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, McCleary, Nowlin, Robb, Rogers, Steele, Walworth, Wilson, and Wright.

Those who voted in the negative are.

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Mitchell, Roberts, Thompson, and Carleton (Speaker.)

The question then recurred, Shall the Resolution be referred to a Select Committee. And was decided in the negative.

A motion was made by Mr. Brierly that the House do now adjourn.

Which was decided in the negative. Yeas 9—Nays 14.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, McCleary Roberts, Thompson, and Carleton, [Speaker.]

Those who voted in the negative are,

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson,



Mitchell, Nowlin, Robb, Rogers, Steele, Walworth, Wilson and Wright.

The question then recurred, shall the Resolution be adopted, when, Mr. Nowlin called the previous question, and the call being seconded by a majority of the members present;

The question was then put, Shall the main question be now put? And was decided in the affirmative.

Yeas 14, Nays 9.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, McCleary, Nowlin, Robb, Rogers, Steele, Walworth, Wilson, and Wright.

Those who voted in the negative, are

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Mitchell, Roberts, Thompson, and Carleton, (Speaker.)

The question was then put, Shall the resolution be adopted? And was decided in the affirmative.

Yeas 17, Nays 6.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Rogers, Steele, Thompson, Walworth, Wilson, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, and Roberts.

So the resolution was adopted, in the words following:

Resolved, That Wilson & Keesecker, editors of the Miners' Express, print two hundred 40 copies of the Journals of this House, of the present session, and deliver the same to the Secretary of the Territory, within three months after the adjournment of the Legislature, and that the Secretary of the Territory pay the said Wilson & Keesecker according to the prices and conditions established by law.

A motion was made by Mr. Grimes, to re-consider the vote on the adoption of the resolution, when

Mr. Carleton made a motion to lay the motion to re-consider on the table, which was decided in the negative.

The question was then taken on the motion of Mr. Grimes to reconsider the vote on the adoption of the resolution, and was decided in the negative.

And then, on motion of Mr. Carleton,

The House adjourned until Monday morning, at 10 o'clock.



**Monday Morning, January 22, 1844.**

Mr. Hackleman presented the petition of 160 citizens of Des Moines county, praying the Legislative Assembly to so amend the law for opening private Roads, as to authorize the opening of all Section Lines where it is deemed necessary.

Ordered, That said petition be referred to the Committee on Roads and Highways.

Mr. McCleary presented the petition of the Stockholders of the Grandview Seminary, praying an amendment to their charter;

Which was referred to the Committee on Corporations.

Mr. Walworth presented the petition of 67 citizens of Jones county, praying the re-location of the Seat of Justice of said county, by disinterested Commissioners, or by the voters of said county.

Which was referred to the delegation from Cedar, Linn, and Jones counties.

Mr. Brierly presented the petition of 196 citizens of Lee county, praying that an act may be passed to divide said county.

Which was referred to the delegation from Lee county.

Mr. Baker presented the petition of 30 citizens of Washington, Keokuk, and Mahaska counties, praying for the passage of an act, to locate a Territorial Road, from Iowa City to the mouth of the Whitebreast, on the Des Moines river.

Which was referred to the Committee on Roads and Highways.

Mr. Smyth presented the petition of 30 citizens of Cedar and Linn counties, praying the passage of an act, to legalize the location of a Territorial Road, from Bellview to Iowa City.

Which was referred to the Committee on Roads and Highways.

Mr. Mitchell presented the petition of 53 citizens of Scott county, praying the passage of an act, guaranteeing to married women, all the property they may be legally possessed of at the time of their marriage, or may become possessed of, either by inheritance, or deed of gift.

Which was referred to the Committee on the Judiciary.

Mr. Brierly gave notice, that he would at some future day, introduce, A Memorial to Congress, asking for the establishment of a mail route across the Mississippi river at the town of Montrose, and, for the establishment of a Post Office at Nashville.

A motion was made by Mr. Thompson, to reconsider the vote on the adoption of a Resolution, providing for the printing of the Journal of the House, on Saturday last.

Pending which.

On motion of Mr. Wright,



A call of the House was had, when it appeared that, Messrs. Fay and Grimes were absent.

The Sergeant-at-Arms was directed to compell to attendance of the absentees. After a short time Mr. Grimes appearing, and Mr. Fay being unable to attend in consequence of sickness, the further proceedings in the call were,

On motion of Mr. McCleary, suspended.

The question then recurred on the motion to reconsider the vote on the passage of said Resolution.

And was decided in the negative,

Yeas 8, Nays 16.

The Yeas and Nays being demanded by two members

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Borland, Culbertson, Roberts, Smyth, Thompson, and Carleton, Speaker.

Those who voted in the negative are,

Messrs. Bonney, Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Rogers, Steele, Walworth, Wilson, and Wright.

So the vote was not reconsidered.

A Message from the Council, by Mr. Wallace, their Secretary :

Mr. SPEAKER :

The Council have passed with, amendments,

No. 42, H. R. File, "An act to incorporate the Burlington University."

In which the concurrence of the House is requested.

Also without amendment.

No. 7, H. R. File, "An act to change the time of holding the General Election."

The Council have passed.

No. 5, C. File, "A Bill to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a Constitution for the State of Iowa."

In which the concurrence of House is requested.

I am directed to inform the House that the Council have adhered to their amendment to the 13th section of

No. 23, H. R. "A Bill to organize the counties of Keokuk and Mahaska."

And then he withdrew.

Mr. Smyth gave notice, that he would, on to-morrow introduce "A Memorial to Congress, asking them to liquidate the debts incurred by previous Legislatures."

Mr. Culbertson, in accordance with previous notice, introduced,

No. 68, H. R. File, "A Bill to extend the Territorial Road, from Mt. Pleasant, to the Indian Boundary line."

Mr. Rogers, with leave of the House, introduced,

No. 69, H. R. File, "A Bill to punish the obstructing of public Roads, &c."



Mr. Wilson from the Committee on Roads and Highways reported, No. 70, H. R. File, "A Bill to locate and establish a Territorial Road from Brighton, in Washington county, to the county seat of Mahaska county."

Said Bills were severally read a first time.

Mr. Robb, from the Committee on Finance, reported back to the House.

No. 11, H. R. File, "A Bill to provide for assessing and collecting public revenue," with amendments.

Which were read a first time.

Mr. Walworth from the Committee on engrossed bills reported.

Nos. 53, 56, 58, H. R. File, as correctly engrossed.

A motion was made by Mr. Thompson to reconsider the vote taken on Saturday last, ordering,

No. 58, H. R. File, "A Resolution, authorizing the publication of the laws," to be engrossed and read a third time to day, and after debate,

A motion was made by Mr. Thompson, to postpone the further consideration of the question of reconsideration until Monday next.

Which was decided in the negative.

Yeas 10—Nays 14.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, McCleary, Roberts, Smyth, Thompson, and Carleton [Speaker.]

Those who voted in the negative are,

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, Nowlin, Robb, Rogers, Steele, Walworth, Wilson, and Wright.

The question then recurred on the motion to reconsider.

And was decided in the negative.

Yeas 10—Nays 14.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, McCleary, Roberts, Smyth, Thompson, and Carleton (Speaker.)

Those who voted in the negative are.

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, Nowlin, Robb, Rogers, Steele, Walworth, Wilson, and Wright.

So the vote was not reconsidered.

No. 1, H. R. File, "A Bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for winding up the affairs of the same," being returned from the Council with amendments,

A motion was made by Mr. Rogers, that the bill be laid on the table until Tuesday the 30th inst.

Which was decided in the affirmative.

Yeas 14, Nays 10.



The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Foley, Johnson, McCleary, Nowlin, Roberts, Rogers, Smyth, Thompson, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Brierly, Grimes, Hackleman, Hebard, Mitchell, Robb, Steele, Walworth, Wilson, and Wright.

No. 35, H. R. File, "A Bill to incorporate the Farmington Academy, and High School," as amended by the Council, was concurred in.

No. 50, H. R. File, "A Bill to repeal An act entitled An act for the prevention of certain immoral practices,

Being the order of the day,

A motion was made by Mr. Brophy that the consideration of the bill be postponed until Wednesday next.

Which was agreed to.

No. 59, H. R. File, "A Joint Resolution authorizing the Secretary of the Territory, to contract for the publication of the Journals of the two Houses.

Was read a second time, and,

On motion of Mr. Grimes,

Referred to a select Committee viz:

Messrs. Grimes, Thompson and Robb.

No. 60, H. R. File, "A Bill to incorporate the Iowa Botanic Medical Society."

Was read a second time,

And after being slightly amended, the question was put,

Shall the bill be engrossed and read a third time to-morrow.

Which was decided in the affirmative.

Yeas 21—Nays 3.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Grimes, Hackleman, Hebard, Johnson, McCleary Nowlin, Robb, Roberts, Rogers, Smyth, Steele, Thompson, Walworth, Wilson Wright, and Carleton, [Speaker.]

Those who voted in the negative are,

Messrs. Brophy, Foley, and Mitchell.

The following bills to wit:

No. 61 H. R. File, "A Bill for the improvement of Sheep.

No. 62, H. R. File, "A Bill for the relief of Malcom Murray."

Were severally read a second time, and ordered to be laid on the table.

On motion of Mr. Bonney,

The House adjourned until 2 o'clock P. M.



## 2 O'COLCK, P. M.

No. 63, H. R. File, "A Bill to allow Avery Thomas to change his name;"

Was read a 2d time, and ordered to be engrossed and read a third on to-morrow.

No. 64, H. R. File, "A Bill authorizing the Territorial Agent to sell lots in Iowa City, to discharge the debt due the Miners' Bank of Dubuque;"

Was read a second time.

On motion of Mr. Johnson,

The first section was amended by striking out all after the enacting clause, and inserting the following: That the Territorial Agent is hereby authorized and empowered to sell on the first Monday of May next, all lots in Iowa City, which have been forfeited by non-payment, under the condition of the several sales heretofore made, together with a sufficient number of the unsold lots in said city, at two-thirds of the present fixed minimum price, to discharge the debt due the Miners' Bank of Dubuque, and other debts due for work and materials for the Capitol; one-third of the purchase money to be paid at the time of sale, the balance in equal divisions, in six and twelve months.

On motion of Mr. Bonney,

Ordered, That the further consideration of the bill be postponed until Wednesday the 31st inst.

No. 65, H. R. file, "A Bill to locate a Territorial Road from Davenport to Iowa City;"

Was read a second time, and,

On motion of Mr. Mitchell,

Ordered to be engrossed and read a 3d time to morrow.

No. 66, H. R. File, "A Bill to amend an act to incorporate the Farmers' Half-Breed Land Company of Lee county;"

Was read a second time, and,

On motion of Mr. Steele,

Ordered to be engrossed and read a third time to morrow.

No. 67, H. R. File, "A Bill to incorporate the Dubuque, Clayton, Delaware, and Jackson Mutual Fire Insurance Company;"

Was read a second time, and after being slightly amended, was

Ordered to be engrossed and read a third time to-morrow.

No. 25, C. F. "A Bill to locate a Territorial Road from Fairfield, in Jefferson county, to the Indian Agency, at the Raccoon Fork of the Des Moines river;"

Was read a second time, and,

On motion of Mr. Culbertson,

Ordered to be read a third time to-morrow.

No. 31, C. File, "A Bill to district the county of Scott for the elec-



tion of County Commissioners;"

Was read a second time, and,

On motion of Mr. Mitchell,

The second section was amended by inserting the following, to wit:

That the Commissioner to be elected at the next election shall not be a resident of the district in which either of the Commissioners shall reside, whose term of office does not expire until after the year 1844.

On motion of Mr. Mitchell,

Ordered, That the bill be read a third time to-morrow.

The following bills, to wit:

No. 20, C. F. "A Bill for the relief of Chauncey Swan;

No. 23, C. F. "A Joint Resolution authorizing the Auditor to Audit certain Warrants;"

No. 31, H. R. File, "A Bill defining the jurisdiction of the Supreme Court, and regulating the practice therein;"

No. 41, H. R. File, "A Bill to organize the county of Wapello;"

No. 48, H. R. File, "A Joint Resolution, providing for the payment of Doolittle and Munson for certain Seals;"

No. 49, H. R. File, "A Bill to incorporate the Common School Association of Henry county;"

No. 53, H. R. File, "A Joint Resolution asking Congress for an appropriation, to defray the expenses of a Treaty with the Potawattomie Indians; also, asking the removal of the Missouri, Sac and Fox, and Iowa Indians;"

Were severally read a third time, and passed.

Ordered, That the Clerk request the concurrence of the Council therein.

A Message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

I herewith return

An Act to incorporate the Burlington Mechanics' Institute.

An Act for the relief of Thomas Summerlin, Collector of Van Buren county.

An Act to legalize the acts of John A. Drake and Samuel B. Ayres, acting Justices of the Peace.

All of which have been signed by the President of the Council.

And then he withdrew.

No. 44, H. R. File, "A Bill donating certain property in Iowa City to the Mechanics' Mutual Aid Association;"

Was read a third time.

And the question being put, Shall the bill pass?

It passed in the affirmative.

Yeas 13, Nays 11.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Brophy, Culberston, Foley, Johnson, McCleary, Roberts, Smyth, Thompson, Walworth, Wilson, and Carleton, (Speaker.)



Those who voted in the negative are,

Messrs. Bonney, Borland, Grimes, Hackleman, Hebard, Mitchell, Nowlin, Robb, Rogers, Steele, and Wright.

No. 56, H. R. File, "A Bill to amend an act entitled 'An Act for the election of Constables, and defining their duties;'"

Was read a third time, and,

On motion of Mr. Mitchell,

Referred to the Committee on the Judiciary.

No 58, H. R. File, "A Joint Resolution, providing for the publication of the Laws;"

Was read a third time.

A motion was made by Mr. Bonney, that the further consideration of the resolution be postponed until Tuesday the 30th inst.; which was decided in the negative.

Yeas 10, Nays 14.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, McCleary, Roberts, Smyth, Thompson, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, Nowlin, Robb, Rogers, Steele, Walworth, Wilson, and Wright.

The question was then put, Shall the Resolution pass?

And was decided in the affirmative.

Yeas 18, Nays 6.

The yeas and nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Bonney, Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Rogers, Steele, Thompson, Walworth, Wilson, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are,

Messrs. Baker, Brierly, Borland, Culbertson, Roberts, and Smyth.

So the resolution passed.

Ordered, That the Council be made acquainted therewith.

No. 42 H. R. File, "A Bill to incorporate the Burlington University, as amended by the Council;" was concurred in.

No. 5, C. F. "A Bill to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State Constitution for the State of Iowa;"

Was read a first time.

No. 23, H. R. File, "A Bill to organize the counties of Keokuk and Mahaska," having been returned from the Council with their amendment to the 13th section adhered to,

A motion was made by Mr. Baker, that the House insist upon its disagreement, and that a Committee of Conference be appointed in relation thereto.

To which the House agreed. Whereupon



Messrs. Baker, Rogers, and Smyth were appointed said Committee.

On motion of Mr. Steele,

No. 3, H. R. File, "A Bill to authorize Hugh Boyle and Ralph Bissell to erect a Dam across Skunk river, in Henry county, was taken from the table.

A motion was made by Mr. Rogers, that the bill be referred to the Committee on Corporations;

Which was decided in the affirmative.

Yeas 14, Nays 9.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, Rogers, Smyth, and Walworth.

Those who voted in the negative are,

Messrs. Brierly, McCleary, Robb, Roberts, Steele, Thompson, Wilson, Wright, and Carleton, (Speaker.)

On motion of Mr. Brophy,

Ordered, That a petition, presented by him some time since, asking the passage of an act, to abolish the collection of all debts under 100 dollars, be taken from the table, and referred to a Select Committee of one from each Judicial District.

Messrs. Brophy, Baker, and Grimes, were appointed said Committee.

On motion of Mr. Wilson,

No. 16. H. R. File, "A Bill to amend certain acts, relating to Roads and Highways;" was taken from the table.

And the question being on concurring in the recommendation of a Committee, that all persons should work two days on the road instead of one, was put, and decided in the negative.

Yeas 8—Nays 14.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Borland, Culbertson, Foley, Hackleman, Robb, Roberts, Steele, and Wilson.

Those who voted in the negative are,

Messrs. Baker, Bonney, Brierly, Brophy, Grimes, Hebard, Johnson, Mitchell, McCleary, Rogers, Smyth, Thompson, Wright, and Carleton, (Speaker.)

The question was then taken on striking out "three days," and inserting "two days," in the 2d section, and was decided in the affirmative.

On motion of Mr. Johnson,

Ordered, That the bill be engrossed and read a third time to-morrow.

On motion of Mr. Wilson,

No. 7, C. F. "A Bill to amend an act to authorize Robert M. G. Patterson to establish and keep a Ferry;"

Was taken from the table.



A motion was made by Mr. Brophy, to add the following sect. to wit: That any future Legislature may have the power to repeal, alter, or amend this act.

And was decided in the affirmative.

Yeas 13—Nays 10.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Foley, Hackleman, Johnson, Rogers, Smyth, Thompson, and Wright.

Those who voted in the negative are,

Messrs. Grimes, Hebard, Mitchell, McCleary, Robb, Roberts, Steele, Walworth, Wilson, and Carleton, (Speaker.)

The question was then put, Shall the bill be read a third time to-morrow? And was decided in the affirmative.

Yeas 18—Nays 4.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Borland, Culbertson, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Robb, Roberts, Steele, Walworth, Wilson, Wright, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Bonney, Brophy, Rogers, and Smyth.

On motion of Mr. Brierly,

No. 20, H. R. File, "A Bill to authorize John O'Hara, his heirs and assigns to establish and keep a Ferry across the Mississippi river at the town of Keokuk;"

Was taken from the table, and,

On motion of Mr. Rogers,

The following section was added to the bill, to wit:

Sec. 3. That any future Legislature may alter, amend or repeal this act.

The question was then put, Shall the bill pass?

It passed in the affirmative.

Yeas 16, Nays 6.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Borland, Culbertson, Foley, Grimes, Hackleman, Mitchell, McCleary, Robb, Roberts, Steele, Walworth, Wilson, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Bonney, Brophy, Hebard, Johnson, Rogers, and Smyth.

So the bill passed.

Mr. Brierly, on leave of the House, introduced

No. 71, H. R. File, "A Resolution asking Congress for the establishment of a Post Route from Nauvoo, Ill., to Montrose, Iowa;"

Which was read a first time.

On motion of Mr. Brierly,

The House adjourned until to-morrow morning, at 10 o'clock.



**Tuesday Morning, January 23, 1844.**

A motion was made by Mr. Rogers to reconsider the vote taken on yesterday, on laying on the table until the 30th inst.

No. 1. H. R. File, "A Bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for winding up the affairs of the same, and was decided in the affirmative.

The question then recurred,

Shall the bill be laid on the table until the 30th inst.

And was decided in the negative.

A motion was made by Mr. Hackleman, that the House concur in the amendment made by the Council to said bill.

Which was decided in the negative.

Yeas 11—Nays 14.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Brierly, Grimes, Hackleman, Hebard, Johnson, Mitchell, Robb, Steele, Walworth, Wilson, and Wright.

Those voted in the negative are,

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Fay, Foley, McCleary, Nowlin, Roberts, Rogers, Smyth, Thompson and Carleton [Speaker.]

Mr. Bonney gave notice that he would, on to-morrow, introduce a Bill to amend An Act entitled, An Act regulating Mills and Millers.

Mr. Hebard gave notice that he would on some future day introduce a bill defining the duties of County Surveyors.

Mr. Thompson gave notice that he would, at some future day, introduce, a Bill to amend An Act to establish new counties, and define their boundaries in the late cession from the Sac and Fox Indians, and for other purposes, approved Feb. 17. 1843.

Mr. Mitchell gave notice that he would, on some future day, introduce a bill to abolish imprisonment for debt.

Mr. Walworth gave notice, that he would, on some subsequent day, introduce

A Bill to lay out and establish a Territorial Road, from the Rapids on the Cedar river, in Linn county, to the Rapids on the Wappesipinicon river, in Buchanan county.

Mr. Thompson, on leave, introduced

No. 72, H. R. File, "A Resolution, providing for the adjournment of the Legislature on the 1st Feb.

Mr. Smyth, on leave, introduced,

No. 73, H. R. File, "A Memorial to Congress, asking for an appropriation to pay the debts of previous Legislatures.



Said Resolution and Memorial were read a first time.

On motion of Mr. Johnson,

Resolved, That a Committee of three be appointed to revise and make such alteration in the law regulating Wills and Administrators as they may think proper and necessary, and report as soon as practicable.

Messrs. Hebard, Robb, and Mitchell, were appointed said Committee.

Mr. Brophy, on leave, introduced

No. 74, H. R. File, "A Resolution, relative to Mail Routes Nos. 4228 and 4506.

Mr. Hebard, on leave, introduced

No. 75, H. R. File, "A Bill to define lawful Fences, and restrain trespassing animals."

Mr. Rogers, on leave, introduced

No. 76, H. R. File, "A Bill to amend an act entitled 'An Act, subjecting real and personal estate to execution.

Mr. Thompson, on leave, introduced

No. 77, H. R. File, "A Bill amendatory of an act, subjecting real and personal estate to execution."

Mr. Nowlin, on leave, introduced

No. 78, H. R. File, "A Bill to organize the county of Delaware, and to provide for holding Court in the same.

Mr. Wilson, on leave, introduced

No. 79, H. R. "A Bill to legalize the location of a Territorial Road from Bellview to Iowa City."

Mr. Fay, on leave, introduced

No. 80, H. R. File, "A Bill to incorporate the subscribers for erecting a Dam across the Muscatine Slough."

Mr. Culbertson, on leave, introduced

No. 81, H. R. File, "A Bill to legalize the acts of James T. Harden, recorder of Jefferson county."

Said Bills were severally read a first time, and Nos. 76 and 77 were ordered to be printed.

Mr. Grimes, from the Committee on Corporations, to which was referred No. 3, H. R. File, "A Bill to authorize Hugh Boyle and Ralph Bissell to erect a Dam across Skunk river, in Henry county, reported the same back to the House without amendment.

Mr. Walworth offered the following:

Resolved, That the Secretary of the Territory be requested to inform this House, First: whether the laws passed and ordered to be printed at the last session of this Legislature have been printed and distributed according to law; and, secondly: whether the printers, Messrs. Hughes & Williams, before undertaking said printing made, and executed the proper bonds, as provided for by the general law upon the subject of public printing;

Which lies over one day under the rule.

Mr. Hebard, from the Committee on Enrolled Bills, reported, that they had examined



An Act to locate a Territorial Road from Wapello, in Louisa county, to Augusta, in Des Moines county, and found the same correctly enrolled.

The Speaker signed said act.

A Message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

The Council have passed

No. 21, C. File, "A Bill to incorporate the Toolesborough Manufacturing Company;"

No. 27, C. F. A Bill to amend an act entitled 'An Act relative to the Probate of Wills, Executors, Administrators.' &c.

No. 28, C. F. A Bill to amend an act entitled 'An Act subjecting real and personal estate to execution;' and

No. 30, C. F. A Bill to incorporate the Wappesipinicon Mill Company.

In all of which I am directed to ask the concurrence of the House.

And then he withdrew.

Mr. Mitchell, from the Committee on the Judiciary, reported back to the House,

No. 56, H. R. File, "A Bill to amend an act entitled An Act for the election of Constables and defining their duties, approved Jan. 24, 1839," with sundry amendments.

Mr. Walworth, from the Committee on Engrossed Bills, reported Nos. 16 and 63, H. R. File, as correctly engrossed.

No. 42 H. R. File, "A Bill to incorporate the Burlington University," being returned from the Council, with the following section stricken out to wit:

That any future Legislature may alter, amend, or repeal this act.

A motion was made by Mr. Grimes, that the House concur in said amendment.

Which was decided in the affirmative.

Yeas 18, Nays 7.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Culbertson, Foley, Grimes, Hackleman, Hebard, Johnson, Miethell, McCleary, Nowlin, Robb, Roberts, Steele, Walworth, Wilson, Wright, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Bonney, Borland, Brophy, Fay, Rogers, Smyth, and Thompson.

No. 54, H. R. File, "A Bill amendatory of an act entitled An Act to provide for the election of Justices of the Peace," &c., being the order of the day,

Was referred to a Committee of the Whole House for the consideration of the same. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Wilson reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House with one amendment.



In which the House concurred.

On motion of Mr. Rogers,

Ordered, That the bill be laid on the table, and that forty copies be printed.

No. 5, C. F. "A Bill to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State Constitution for the State of Iowa;"

Was read a second time.

On motion of Mr. Brierly,

Ordered, That the bill be referred to a Select Committee of one from each Electoral District. Whereupon,

Messrs. Brierly, Borland, Hackleman, Wilson, Culbertson, McCleary, Baker, Fay, Smith, Mitchell, Brophy, Foley, and Nowlin, were appointed said Committee.

No. 11, H. R. File, "A Bill to provide for assessing and collecting public revenue,"

Was read a second time, and referred to a Committee of the Whole House on Friday next.

No. 62, H. R. File, "A Bill for the relief of Malcolm Murray, late of the firm of Murray & Sanxey;"

Was read a second time.

A motion was made by Mr. Grimes, to amend the bill adding the following:

Provided, however, That the money, by this act allowed and appropriated, shall be paid only from the Territorial fund, for the erection of public buildings at Iowa City, without any pledge of the general faith of the Territory.

And was decided in the affirmative.

On motion of Mr. Carleton,

Ordered, That the bill be engrossed, and read a third time to-morrow.

No. 68, H. R. File, "A Bill to extend the Territorial Road from Mt. Pleasant to the mouth of the White-breast, in the county of Mahaska;"

Was read a second time, and,

On motion of Mr. Culbertson,

Ordered to be engrossed and read a third time to-morrow.

No. 69, H. R. File, "A Bill to punish for the obstructing of Roads," &c., was read a 2d time, and,

On motion of Mr. Rogers,

Ordered to be engrossed and read a 3d time to-morrow.

No. 70, H. R. File, "A Bill to locate a Territorial Road from Brighton, Washington county, to the County Seat of Mahaska county;"

Was read a 2d time, and,

On motion of Mr. Wilson,

Ordered to be engrossed and read a 3d time to-morrow.

No. 71, H. R. File, "A Resolution, asking Congress for the establishment of a Post Route from Nauvoo to Montrose;"

Was read a 2d time, and,



On motion of Mr. Brierly,

Ordered to be engrossed and read a 3d time to-morrow.

No. 7, C. F. "A Bill to amend an act entitled 'An Act to authorize Robert M. G. Patterson to establish and keep a Ferry at the mouth of Nassau Slough.'

No. 25, C. F. "A Bill to locate a Territorial Road from Fairfield in Jefferson county to the Indian boundary line.

No. 31, C. File, "A Bill to district the county of Scott for the election of County Commissioners;"

Were severally read a third time, and passed.

Ordered, That the Clerk make the Council acquainted therewith.

A motion was made by Mr. Rogers, to take from the table the motion made some days since, to reconsider the vote on.

No 38, H. R. File, "A Bill to amend an act entitled An Act regulating Criminal Proceedings;"

And was decided in the negative.

Yeas 11, Nays 14.

The yeas and nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Bonney, Fay, Foley, Hebard, McCleary, Nowlin, Robb, Rogers, Walworth, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are,

Messrs. Baker, Brierly, Borland, Brophy, Culbertson, Grimes, Hackleman, Johnson, Mitchell, Roberts, Smyth, Steele, Thompson, and Wilson.

So the motion to reconsider was not taken from the table.

On motion of Mr. Hebard,

The House adjourned until to-morrow morning, at 10 o'clock.

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### Wednesday Morning, January 24, 1844.

Mr. Foley presented the petition of the County Commissioners of Jackson county, praying the passage of a special act, requiring the township assessors of said county, to revalue the real estate of their respective townships, when they assess in the year 1844.

Which was laid on the table.

Mr. Robb, presented the petition of 180 citizens of Lee and Henry counties, praying that an act may be passed, to locate a Territorial Road, from Fort Madison in Lee county, to Salem in Henry county.

Which was referred to the Committee on Roads and Highways.

Mr. McCleary presented the account of Wm. H. Turner, for services rendered the last Legislature, as a Clerk.

Which was referred to the Committee on Claims.



Mr. Borland presented the petition of 66 citizens of the town of Farmington, praying for an amendment to the Act, incorporating said town, so that at every Annual election, the electors shall vote for or against the licensing of Groceries.

Mr. Brierly presented the petition of 80 citizens of the county of Lee, praying for a division of said county.

Which was referred to the delegation from said county.

The resolution offered on yesterday by Mr. Walworth, relative to the printing of the Laws of last session, being under consideration, was,

On motion of Mr. Rogers—laid on the table.

Mr. Smyth gave notice, that he would, at some future day, introduce,

“A Bill for the relief of Rev. Isaac Searles, minister of the Gospel; also,

“A Bill to legalize the acts of Justices of the Peace, and Constables, in certain cases.”

Mr. Thompson, in accordance with previous notice, introduced,

No. 82, H. R. File, “A Bill to amend an act, entitled An act to establish new counties, and define their boundaries, in the late cession from the Sac and Fox Indians,” and for other purposes, approved Feb. 17, 1843.

Which was read a first time.

Mr. Wilson, from the Committee on Roads and Highways, to whom was referred,

The petitions of sundry citizens of New London township in Henry county, asking the Legislative Assembly to take into consideration, the unnecessary width of the public Roads and Highways, asking that they may be reduced sixty feet.

Reported, that upon an examination of an act, for opening and regulating Roads and Highways, approved Feb. 1st, 1843,

They find the first section provides that, all county roads shall be sixty feet in width, and by the presentation of a petition to the County Commissioners, they may determine on a less number of feet.

The Committee believing the law already better than asked for, ask to be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Grimes, from the Select Committee appointed for the purpose, on leave, introduced,

No. 83, H. R. File, “A Memorial to Congress, asking for a donation of land, for the Iowa City College.”

Mr. Rogers, from the Committee on Territorial Affairs, submitted the following report.

The Committee on Territorial Affairs, to whom was referred a resolution, instructing them to inquire into the expediency of memorializing Congress, in relation to an amendment of the act of Congress, passed September 4th, 1841, providing for a distribution of the proceeds of the sales of the public lands, and for granting pre-emption rights to settlers thereon, so that persons settling on the public lands



before the survey of the same, may be entitled to all the rights and privileges of said law—have had the subject under consideration, and ask leave to report—

That, by the provisions of said act of Congress, a settler upon the public lands, prior to their survey, cannot be entitled to a pre-emption right thereto. In consequence of which, a settler on such lands is liable to lose them by a subsequent intrusion of another person, after the first occupant has greatly increased their value by cultivation and improvement. That by the removal of the Sac and Fox Indians, in May last, from lands purchased of them by the Government of the United States in the preceding year, a large addition of unoccupied country within the limits of the Territorial Government, offered to the emigrant from foreign shores and from neighboring States, a very desirable field for agricultural industry, and for securing to himself and family subsistence and domestic comfort. The country thus opened to occupancy, comprises about 6,000,000 acres, and a large portion of it was immediately occupied by an industrious and hardy population, your Committee have not the means of stating accurately their numbers. It is supposed that they may amount to some 20,000. They went on to the lands prior to their survey, and expended their labor and money in making improvements. Your Committee think that justice to these individuals demands, that they should be entitled to pre-emption rights, and that the peace and prosperity of the Territory would be greatly promoted by extending to them the means now enjoyed of acquiring title to surveyed lands.

They therefore respectfully recommend the adoption of the following entitled memorial.

No. 84, H. R. File, "A Memorial to Congress, relative to granting the right of pre-emption to unsurveyed lands.

Mr. Baker from the Select Committee to whom was referred,

No. 27, H. R. File, reported a substitute therefor entitled,

No. 85, H. R. File, "Joint Resolution for the establishment of certain Post Routes.

Mr. Thompson, on leave, introduced,

No. 86, H. R. File, "A Bill to amend the several acts for the incorporation of the town of Mount Pleasant.

Said Bills and Resolutions were read a first time.

Mr. Baker from the Select Committee to which was referred

No. 34, H. R. File, "A Bill to organize the Militia," reported the same back to the House and recommended its passage.

A Message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

The Council have passed.

No. 34. C. F. A Joint Resolution, upon the subject of procuring from Congress compensation to the citizens of Iowa, for services rendered, and expenses incurred in defending the southern border of the Territory of Iowa.

In which the concurrence of the House is requested.



And then he withdrew.

The following, Bills to wit:

No 21. C. F. A Bill to incorporate the Toolesborough Manufacturing Company.

No. 27. A Bill to amend An Act, entitled An Act relative to the Probate of Wills, Executors, Administrators, &c.

No. 28. C. F. A Bill to amend An Act, entitled An Act subjecting real and personal estate to execution.

No. 30. C. F. A Bill to incorporate the Wappesipinicon Mill Company.

No. 34. C. F. A Joint Resolution upon the subject of procuring from Congress compensation for defending the southern border of the Territory,

Were severally read a first time.

Mr. Robb from the Committee on Enrolled Bills, reported that they had examined

An Act to incorporate the Burlington University, and found it correctly enrolled.

The Speaker then signed said Act.

No. 50. H. R. File, A Bill to repeal An Act, entitled An Act for the preventing of certain immoral practices, being the order of the day, was referred to a Committee of the whole House for the consideration of the same.

After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Brierly reported that the Committee had according to order had said bill under consideration, and directed him to report the same to the House; and ask leave to sit again this afternoon.

Leave was granted.

No. 3, H. R. File "A Bill to authorize Hugh Boyle and Ralph Bissell to erect a Dam across Skunk River, in Henry County."

Was read a second time.

A motion was made by Mr. Steele, that the bill be engrossed and read a third time to-morrow.

And was decided in the affirmative.

Yeas 6—Nays 18.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Borland, Foley, Grimes, Hackleman, Mitchell, McCleary, Nowlin, Robb, Roberts, Smyth, Steele, Thompson, Walworth, Wilson, Wright and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Bonney, Brophy, Culbertson, Fay, Johnson, and Rogers.

No. 54, H. R. File, "A Bill amendatory of an act entitled An Act to provide for the election of Justices of the Peace," &c.,

Was read a second time; and,

On motion of Mr. McCleary,

Referred to a Committee of the whole House, and made the order of



the day for Friday next.

No. 55, H. R. File, "A Bill to amend an act entitled An act for the Election of Constables and defining their duties, approved, January 24, 1839," as amended by the Committee on the Judiciary, was read, and concurred in,

And the bill ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Rogers,

Ordered, That the House adjourn until 2 o'clock, P. M.

## 2 O'COLCK, P. M.

The House resumed in Committee of the whole, the consideration of No. 50, H. R. File, "A Bill to repeal an act entitled An act for the prevention of certain immoral practies."

And after some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Brierly reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same to the House with all stricken out after the enacting clause.

A motion was made by Mr. McCleary, to concur in the report of the Committee by inserting the following:

That the sixth line of the first section of An act entitled "An act for the prevention of certain immoral practices, approved 10th, February 1843," be so amended as to read five dollars instead of *five years*.

And was decided in the affirmative.

Yeas 18, Nays 6.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brierly, Borland, Culbertson, Foley, Grimes, Hackleman, Johnson, McCleary, Nowlin, Robb, Roberts, Smyth, Steele, Thompson, Walworth, Wilson, Wright, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Baker, Bonney, Brophy, Fay, Micthell, and Rogers.

A motion was made by Mr. Thompson, that the bill be referred to a select Committee,

Which was decided in the negative.

A motion was made by Mr. Baker, to amend the Bill by adding the following words,

That no person shall kiss his wife, read newspapers, or any books, except religious books, and them approved by the Clergy, write letters, pick berries, tell jokes, or engage in any worldly conversation.

And was decided in the negative.

Yeas 3, Nays 21.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Brophy, and Mitchell.

Those who voted in the negative, are,



Messrs. Bonney, Brierly, Borland, Culbertson, Fay, Foley, Grimes, Hackleman, Johnson, McCleary, Nowlin, Robb, Roberts, Rogers, Smyth, Steele, Thompson, Walworth, Wilson, Wright, and Carleton, (Speaker.)

A motion was made by Baker to add the following section.

It shall be the duty of all county and township officers, to see that this act is put in force, and if any officer shall refuse or neglect to put this act in force, he shall be deemed guilty of perjury, and punished accordingly.

Pending which,

A motion was made by Mr. Bonney, to strike out of the proposed amendment, the following words, "and if any officer shall refuse or neglect to put this act in force, he shall be deemed guilty of perjury, and punished accordingly."

Which was decided in the affirmative.

Yeas 17—Nays 7.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Hackleman, Johnson, Mitchell, McCleary, Roberts, Rogers, Steele, Walworth, Wilson, and Carleton [Speaker.]

Those who voted in the negative are,

Messrs. Foley, Grimes, Nowlin, Robb, Smyth, Thompson and Wright.

The question was then taken on the remainder of the amendment proposed by Mr. Baker.

And was decided in the negative.

Yeas 6, Nays 18.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brophy, Foley, Hackleman and Mitchell.

Those who voted in the negative, are

Messrs. Brierly, Borland, Culbertson, Fay, Grimes, Johnson, McCleary, Nowlin, Robb, Roberts, Rogers, Smyth, Steele, Thompson, Walworth, Wilson, Wright, and Carleton, (Speaker.)

Mr. Thompson proposed to amend the bill; when,

Mr. Grimes called for the previous question, and the call being seconded by a majority of the members present,

The question was put, shall the main question be now put?

And was decided in the affirmative,

Yeas 17—Nays 7.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Bonney, Brierly, Borland, Culbertson, Grimes, Hackleman, Johnson, McCleary, Nowlin, Robb, Roberts, Smyth, Steele, Walworth, Wilson, Wright and Carleton (Speaker.)

Those who voted in the negative are,



Messrs. Baker, Brophy, Fay, Foley, Mitchell, Rogers, and Thompson.

The previous question was then put.

Shall the bill be engrossed and read a third time to-morrow.

And was decided in the affirmative.

Yeas 18—Nays 6.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Bonney, Brierly, Borland, Culbertson, Grimes, Hackleman, Johnson, McCleary, Nowlin, Robb, Roberts, Smyth, Steele, Thompson, Walworth, Wilson, Wright and Carleton (Speaker.)

Those who voted in the negative are,

Messrs. Baker, Brophy, Fay, Foley, Mitchell and Rogers.

Mr. Walworth, from the Committee on engrossed Bills reported, that they had examined, Nos. 51, 55, 60, 62, 66, 67 and 68, H. R. File, and found the same correctly engrossed.

On motion of Mr. Wilson,

The House adjourned until to-morrow morning, at 10 o'clock.

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#### **Thursday Morning, January 25, 1844.**

Mr. Steele presented the petition of 45 citizens of Lee County, remonstrating against the location of a Territorial Road from Fort Madison, in Lee County, to Salem, in Henry County.

Referred to the Committee on Roads and Highways.

Mr. Mitchell presented the petition of 42 citizens of Scott County, praying the repeal of the "Valuation Law" passed at the last session; which was laid on the table.

The Speaker presented the account of George Wein, for stone furnished the Superintendent of Public Buildings;

Which was referred to the Committee on Public Buildings.

Mr. Thompson gave notice, that he would, on to-morrow, introduce A Bill to amend an act entitled 'An Act for the prevention of certain immoral practices, approved 10th Feb. 1843.

On motion of Mr. Nowlin,

Ordered, That the Speaker be added to the Select Committee, to which was referred

No. 5, C. F. "A Bill to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State Constitution for the State of Iowa."

Mr. Smyth, in accordance with previous notice, introduced

No. 87, H. R. File, "A Bill for the relief of Rev. Isaac Searles, minister of the Gospel;" also,



No. 88, H. R. File, "A Bill to legalize the acts of Justices of the Peace and Constables, in certain cases;"

Which were read a first time.

Mr. Robb, from the Committee on Enrolled Bills, reported that the Committee had examined

An Act to change the time of holding the General Election, and found the same correctly enrolled.

The Speaker signed said act.

Mr. Walworth, from the Committee on engrossed Bills, reported that the Committee had examined

No. 3, H. R. File, "A Bill to authorize Hugh Boyle and Ralph Bissell to erect a Dam across Skunk river, in Henry county," and found the same correctly engrossed.

No. 52, H. R. File, "A Bill to abolish Capital Punishment;"

Being the order of the day,

A motion was made by Mr. Grimes, that the order of the day be postponed until Tuesday next;

And was decided in the affirmative.

No. 34, H. R. File, "A Bill to organize the Militia;"

Was read a second time, and,

On motion of Mr. Grimes,

Referred to a Committee of the Whole House for the consideration of the same. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Brophy reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House without amendment.

A motion was made by Mr. Walworth, to refer the Bill to a Select Committee of one member from each Judicial District, with instructions to provide for Military Trainings;

Which was decided in the negative.

Yeas 6—Nays 16.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Bonney, Brophy, McCleary, Smyth, Steele, and Walworth.

Those who voted in the negative are,

Messrs. Baker, Brierly, Borland, Fay, Foley, Grimes, Hackleman, Johnson, Mitchell, Robb, Roberts, Rogers, Thompson, Wilson, Wright, and Carleton, (Speaker.)

A motion was made by Mr. Robb, to strike out all after the enacting clause of the bill, and insert the following:

That it shall be the duty of the Assessors, at every assessment hereafter to return with their assessment to the County Clerk of their respective counties, the number of citizens in each county within the ages subject to do military duty, in their respective townships or counties.

Sec. 2. That all laws and parts of laws for organizing and disciplining the Militia, be, and they are hereby repealed.

Sec. 3. This act to take effect, and be in force from and after its passage.



Which was decided in the negative.

A motion was made by Mr. Fay, to strike out of the bill so much as requires the officers to be sworn;

And was decided in the negative.

A motion was made by Mr. Grimes, to strike out of the bill so much as exempts sundry individuals from performing military duty.

Which was decided in the negative.

Yeas 8—Nays 14.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative are

Messrs. Bonney, Brierly, Borland, Fay, Grimes, McCleary, Rogers, and Steele.

Those who voted in the negative are

Messrs. Baker, Brophy, Foley, Hackleman, Johnson, Mitchell, Robb, Roberts, Smyth, Thompson, Walworth, Wilson, Wright, and Carleton, (Speaker.)

A motion was made by Mr. Grimes, to strike out the following section, to wit:

There shall be allowed and paid out of the Territorial Treasury—

1st. To each division and brigade Judge Advocate, and to each president of any Court of Enquiry or Court Martial, for the trial of officers, two dollars, for each day actually employed on duty; and the like compensation to any Marshal appointed by any such Court, for every day employed in the execution of the duties required of him by law.

2d. To each Brigade Inspector, for inspecting a regiment, five dollars; for making out and transmitting to the Adjutant General an inspection return of his brigade, five dollars.

3d. To each military store-keeper, such sum as may be allowed by the Commander-in-chief.

And was decided in the affirmative.

Yeas 21, Nays 2.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Fay, Grimes, Hackleman, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Rogers, Smyth, Steele, Thompson, Wilson, Wright, and Carleton, (Speaker.)

Those who voted in the negative are

Messrs. Foley and Walworth.

A motion was made by Mr. Grimes, to strike out the following section:

Sec. 3. There shall be allowed and paid out of the fines imposed by each regimental court martial, and received by the President thereof,

1st. To the President and each member of the court martial, one dollar and fifty cents for each day they may be actually employed in holding the court, or engaged in the business thereof.

2d. To non-commissioned officers, marshals, or other persons em-



ployed to execute the orders of such courts, the same fees as are allowed by law to constables attending a civil court.

And was decided in the affirmative.

Yeas 12, Nays 10.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Bonney, Brierly, Borland, Fay, Grimes, Hackleman, Mitchell, Robb, Roberts, Steele, Wilson, and Wright.

Those who voted in the negative are

Messrs. Baker, Brophy, Foley, McCleary, Nowlin, Rogers, Smyth, Thompson, Walworth, and Carleton, (Speaker.)

A motion was made by Mr. Grimes, to insert, in place of the section stricken out, the following, to wit:

That all moneys arising from fines in consequence of failures to do military duty, or otherwise, under this act, shall be paid by the person receiving the same, into the county treasury of the county where the same was collected, and become a part of the school fund of said county.

Which was decided in the negative.

Yeas 10, Nays 12.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Bonney, Fay, Grimes, Hackleman, Mitchell, Robb, Rogers, Steele, Wilson, and Wright.

Those who voted in the negative are

Messrs. Baker, Brierly, Borland, Brophy, Foley, McCleary, Nowlin, Roberts, Smyth, Thompson, Walworth, and Carleton, (Speaker.)

On motion of Mr. Nowlin,

The House adjourned until 2 o'clock, P. M.

## 2 O'CLOCK P. M.

Mr. Grimes asked and obtained leave of absence for Mr. Hebard.

Mr. Mitchell moved a call of the House, which was had;

When it appeared that Messrs. Baker, Bonney, Culbertson, Foley, Nowlin, Robb, Rogers, and Walworth, were absent.

Messrs. Bonney and Culbertson were,

On motion,

Excused from the call.

The Sergeant-at-Arms was then directed to compel the attendance of the absentees.

After a short time, the absentees appearing,

The call was suspended.

The House resumed the consideration of

No. 34, H. R. File, "A Bill to organize the Militia."

A motion was made by Mr. Fay, to strike out the section requiring a Seal to be procured for the Adjutant General's office.

Which was decided in the negative.



A motion was made by Mr. Walworth, to fix the Adjutant General's salary at 75 dollars.

Which was agreed to.

Yeas 14, Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Bonney, Borland, Brophy, Hackleman, Johnson, Mitchell, McCleary, Nowlin, Rogers, Smyth, Steele, Walworth, and Carleton, (Speaker.)

Those who voted in the negative are

Messrs. Brierly, Fay, Foley, Grimes, Roberts, Thompson, Wilson, and Wright.

A motion was made by Mr. Mitchell, to strike out all after the enacting clause of the bill, and insert the following, to wit:

That section three of title three, section 15 of article 2d., title 6 of an act entitled "An Act to organize, discipline, and govern the Militia of this Territory, approved July 31, 1840," and all acts or parts of acts which now require militia drills, musters, trainings, inspections, or reviews, in time of peace, be and the same are hereby repealed.

Sec. 2. That it shall be the duty of the Assessors, in the several counties in this Territory, at the time they return their assessment rolls, to return to the Clerk of the Board of County Commissioners the names of all able-bodied males, between the ages of eighteen and forty-five years, resident in each township or precinct in their respective counties: And it shall be the duty of said Clerk to make out and return forthwith to the Adjutant General of this Territory complete abstracts of the numbers of such able-bodied males, which abstracts the said Adjutant General shall file and carefully preserve in his office.

Sec. 3. This act shall in no way interfere with the authority of the Commander-in-chief, or any other officer, in calling out the militia, or any portion thereof, whenever, in their opinion, the public safety may require it.

Which was decided in the affirmative.

Yeas 15, Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Bonney, Brierly, Borland, Fay, Grimes, Hackleman, Johnson, Mitchell, Robb, Roberts, Rogers, Thompson, Wilson, Wright, and Carleton, (Speaker.)

Those who voted in the negative are

Messrs. Baker, Brophy, Foley, McCleary, Nowlin, Smyth, Steele, and Walworth.

A motion was then made by Mr. Bonney, that the bill be indefinitely postponed.

Which was decided in the negative.

Yeas 9, Nays 14.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are



Messrs. Baker, Bonney, Brierly, Borland, Brophy, McCleary, Smyth, Steele, and Thompson.

Those who voted in the negative are

Messrs. Fay, Foley, Grimes, Hackleman, Johnson, Mitchell, Nowlin, Robb, Roberts, Rogers, Thompson, Wilson, Wright, and Carleton, (Speaker.)

On motion of Mr. Nowlin,

Ordered, That the bill be referred to a Select Committee.

Whereupon, Messrs. Nowlin, Mitchell, and Hackleman, were appointed.

No. 72, H. R. File, "A Resolution, providing for the adjournment of the Legislature on the 1st February;"

Was read a second time, and,

On motion of Mr. Wilson,

Laid on the table.

The following Bills &c., to wit:

No. 73, H. R. File, "A Memorial to Congress asking for an appropriation to pay the debts of previous Legislatures.

No. 74, H. R. File, "A Resolution, relative to Mail Routes Nos. 4228 and 4506.

No. 78, H. R. File, A Bill to organize the county of Delaware, and to provide for holding court in the same.

No. 79, H. R. File "A Bill to legalize the location of a Territorial Road from Bellview to Iowa City.

No. 80, H. R. File, "A Bill to incorporate the subscribers for erecting a dam across the Muscatine Slough.

No. 81, H. R. File, "A Bill to legalize the acts of James T. Harden, recorder of Jefferson county."

No. 85, H. R. File, "Joint Resolution for the establishment of certain Post Routes.

No. 86, H. R. File, "A Bill to amend the several acts for the incorporation of the town of Mount Pleasant,

Were severally read a second time, and ordered to be engrossed and read a third time to-morrow.

No. 75, H. R. File, "A Bill to define lawful Fences, and restrain trespassing animals,"

Was read a second time; and,

On motion of Mr. Hackleman,

Referred to a Committee of the whole House, and made the order of the day for Wednesday next.

A Message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

The Council have passed

No. 48, H. R. File, "Joint Resolutions providing for the payment of Doolittle and Munson, for certain seals.

The Council have disagreed to the amendment of the House to

No. 7, C. F. "A Bill to amend an act entitled 'An Act to authorize Robert M. G. Patterson to establish and keep a Ferry across the Mis-



Mississippi river at the mouth of Nassau Slough.

I herewith return

An act to locate a Territorial Road from Wapello in Louisa county, to Augusta in Des Moines county.

The same being signed by the President of the Council.

The Council have passed with amendments.

No. 49, H. R. File, "A Bill to incorporate the Common School Association of Henry county;"

No. 53, H. R. File, "A Joint Resolution, asking Congress for an appropriation to defray the expenses of a Treaty with the Pottowattomie Indians; also, asking the removal of the Missouri, Sac and Foxes, and Iowa Indians.

In which the concurrence of the House is requested.

I herewith present for your signature—

Joint Resolution, authorizing the Auditor to audit certain Warrants. And then he withdrew.

The Speaker signed the last named resolution.

No. 76, H. R. File, "A Bill to amend an act entitled 'An Act subjecting real and personal estate to execution;' and,

No. 77, H. R. File, "A Bill for an act amendatory of an act subjecting real and personal estate to execution;"

Were severally read a second time, and referred to a Committee of the Whole House and made the order of the day for to-morrow.

No. 82, H. R. File, "A Bill to amend an act entitled An Act to establish new counties and define their boundaries," &c.

Was read a second time, and after being slightly amended,

Was ordered to be engrossed and read a third time to-morrow.

No. 83, H. R. File, "A Memorial to Congress, asking for a donation of Land for the Iowa City College:"

Was read a second time.

A motion was made by Mr. Foley, that the Memorial be referred to a Select Committee of one from each Judicial District.

Which was decided in the negative.

Yeas 4, Nays 19.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Brierly, Foley, and Nowlin.

Those who voted in the negative are

Messrs. Bonney, Borland, Brophy, Fay, Grimes, Hackleman, Johnson, Mitchell, McCleary, Robb, Roberts, Rogers, Smyth, Steele, Thompson, Walworth, Wilson, Wright, and Carleton, (Speaker.)

The Memorial was then ordered to be engrossed and read a third time to-morrow.

Every member voting therefor.

No. 84, H. R. "A Memorial to Congress relative to granting the right of pre-emption to unsurveyed lands;"

Was read a second time, and ordered to be engrossed and read a 3d time to morrow.



All the members voting therefor, except Mr. Robb, who voted in the negative.

No. 21, C. F. "A Bill to incorporate the Toolesborough Manufacturing Company;"

Was read a second time.

A motion was made by Mr. Rogers, to add the following section to the bill, to wit.

That any future Legislature may amend or repeal this act.

And was decided in the affirmative.

Yeas 13, Nays 9.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Bonney, Borland, Brophy, Fay, Foley, Hackleman, Johnson, Nowlin, Rogers, Smyth, Thompson, and Wright.

Those who voted in the negative, are,

Messrs. Brierly, Grimes, Mitchell, McCleary, Robb, Roberts, Steele, Wilson, and Carleton, (Speaker.)

On motion of Mr. McCleary,

Ordered, That the bill be read a third time to-morrow.

No. 27, C. F. "A Bill to amend an act entitled An Act relative to the Probate of Wills, Executors, Administrators," &c.;

Was read a second time, and,

On motion of Mr. Johnson,

Referred to the Select Committee heretofore appointed on that subject.

No. 28, C. F. "A Bill to amend an act entitled An Act subjecting Real and Personal Estate to execution;"

Was read a second time, and,

On motion of Mr. Rogers,

Referred to a Committee of the Whole House, to which other bills on the same subject had been referred.

No. 30, C. File, "A Bill to incorporate the Wappesipinicon Mill Company;"

Was read a second time.

A motion was made by Mr. Brophy, to add the following section:

That any future Legislature may amend or repeal this act.

Which was decided in the affirmative.

Yeas 12—Nays 11.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Borland, Brophy, Fay, Foley, Hackleman, Nowlin, Rogers, Smyth, Thompson, and Wright.

Those who voted in the negative are,

Messrs. Brierly, Grimes, Johnson, Mitchell, McCleary, Robb, Roberts, Steele, Walworth, Wilson, and Carleton, (Speaker.)

The bill was then ordered to be read a third time to-morrow.

No. 34, C. F. "A Joint Resolution upon the subject of procuring from Congress compensation for defending the southern border;"



Was read a second time, and ordered to be read a third time tomorrow.

The following bills, to wit:

No. 16, H. R. File, "A Bill to amend certain acts relating to Roads and Highways.

No. 51, H. R. File, "A Bill relative to Religious Societies."

No. 55, H. R. File, "A Bill to incorporate the Grandview Literary and Philosophical Society."

No. 60, H. R. File, "A Bill to incorporate the Iowa Botanic Medical Society."

No. 62, H. R. File, "A Bill for the relief of Malcom Murray, late of the firm of Murray and Sanxey.

No. 63, H. R. File, "A Bill to allow Avery Thomas to change his name.

No. 65, H. R. File, "A Bill to locate a Territorial Road from Davenport to Iowa City.

No. 67 H. R. File, "A Bill to incorporate the Dubuque, Clayton, Delaware, and Jackson Mutual Fire Insurance Company."

No. 68, H. R. File, "A Bill to extend the Territorial Road from Mt. Pleasant to the Indian Boundary line, via Eddysville to Lake Prairie, opposite the mouth of White-breast, in the county of Mahaska;"

Were severally read a 3d time, and passed.

Ordered, That the Clerk make the Council acquainted therewith.

No. 66, H. R. file, "A Bill to amend an act entitled An Act to incorporate the Farmers' Half-Breed Land Company of Lee county;"

Was read a third time.

A motion was made by Mr. Foley, to add the following to the first section:

Provided, That nothing herein contained, or the act to which this is amendatory, shall be so construed as to allow the said Corporation any banking privileges;

And was decided in the affirmative.

Yeas 15—Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affimartive are,

Messrs. Brierly, Borland, Fay, Foley, Grimes, Hackleman, Mitchell, McCleary, Robb, Roberts, Steele, Thompson, Wilson, Wright, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Baker, Bonney, Brophy, Johnson, Nowlin, Rogers, Smyth, and Walworth.

The question was then put, Shall the bill pass?

And was decided in the affirmative.

Yeas 13, Nays 10.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Brierly, Foley, Grimes, Hackleman, Mitchell, Nowlin, Robb, Roberts, Steele, Walworth, Wilson, Wright, and Carleton, (Speaker.)



Those who voted in the negative are  
Messrs. Baker, Bonney, Borland, Brophy, Fay, Johnson, McCleary,  
Rogers, Smyth, and Thompson.  
So the bill passed.

On motion of Mr. Walworth,  
The resolution offered by him on Tuesday last, relative to the printing of the laws of last session, was taken from the table and adopted.  
A motion was made by Mr. Johnson to take from the table,  
No. 72, H. R. File, "A Joint Resolution providing for the adjournment of the Legislature on the 1st of Feb.  
And was decided in the affirmative.

Yeas 17—Nays 5.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,  
Messrs. Baker, Bonney, Borland, Fay, Grimes, Hackleman, Johnson, Mitchell, McCleary, Robb, Rogers, Smyth, Steele, Thompson Walworth, Wright, and Carleton (Speaker.)

Those voted in the negative are,  
Messrs. Brierly, Brophy, Foley, Nowlin, and Wilson.

Mr. Walworth offered the following as a substitute:

Whereas, the expenditures of the last session of this Legislature exceeded the appropriation by some \$5,000: and whereas, instructions have been received by the Secretary of the Territory to apply any funds of the last appropriation in his hands remaining unexpended by this Legislature, to the liquidation of the unpaid debts of the last session. Therefore.

Resolved, That it is the duty of this House to adjourn at the earliest possible day, consistent with the public good; and that the fifth day of Feb. next be fixed upon as the day on which this House will adjourn *sine die*.

On motion of Mr. Brierly,

The word "fifth" was stricken out of the resolution, and then,

On motion of Mr. Hackleman,

The House adjourned until to-morrow morning at 10 o'clock.

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#### Friday Morning, January 26, 1844.

Mr. Foley presented the petition of 28 citizens of Bellview, and other portions of Jackson county, praying that an amendment may be passed, to the charter of the town of Bellview, so as to enable the President and Trustees of said town, to compell Grocery keepers, or retailers of spirits, to obtain a license for that purpose, by paying from five to one hundred dollars per annum.



Which was referred to a select Committee viz: Messrs. Foley, Nowlin and McCleary.

Mr. Walworth presented the petition of Wm. Maxson, asking an act to be passed, to compensate him, for laying out a certain Territorial Road.

Which was referred to the Committee on Roads and Highways.

Mr. Steele presented the petition of 1073 citizens of Lee county, praying the passage of an act for the re-location of the county seat of said county, by the vote of the citizens thereof.

Mr. Mitchell presented the petition of 45 citizens of Scott county, praying the passage of an act, to legalize the location of a Territorial Road from Davenport to Bellview.

Which was referred to the Committee on Roads and Highways.

The Speaker presented the account of James McIntosh, for binding the laws of last session.

Which was referred to the Committee on Claims.

The Speaker presented the petition of George Andrews, relative to certain lots which he purchased of the Territory.

Referred to a Select Committee viz—Messrs. Robb, Smyth and Steele.

Mr. Johnson presented the account of James G. Edwards, for printing.

Which was referred to the Committee on Claims.

On motion of Mr. Grimes,

Resolved, That a Committee be appointed on the part of the House, to act in conjunction with a similar Committee to be appointed by the Council, to ascertain and report to the two Houses, on what day the present session may be brought to a close, without detriment to the public interest.

Mr. Thompson gave notice, that he would, on some future day, introduce,

A Memorial, asking Congress, to donate a Township of land to the Mount Pleasant Literary Institute; also,

A Bill supplemental to an act entitled An act, relative to proceedings in chancery, approved Jan. 23, 1839.

Mr. Walworth from the Committee on engrossed Bills, reported, that the Committee had examined, Nos. 50, 56, 69, 70, 71, 73, 74, 78, 80, 81, 82, 83, 84, 85, 86, H. R. File, as correctly engrossed.

Mr. Nowlin from the Select Committee to which was referred,

No. 34. H. R. File, "A Bill to organize the Militia," reported the same back to the House with amendments.

Which were read a first time.

Mr. Thompson on leave, introduced,

No. 89, H. R. File, "A Bill regulating Marriages, and abolishing licenses therefor;" also,

No. 90, H. R. File, "A Bill to amend an act, entitled An act, for the prevention of certain immoral practices, approved 10th. of Feb. 1843."

Mr. Robb from the Committee on Enrolled bills, reported that the Committee did on the 25th, inst., present to the Governor for his approval.



An act to incorporate the Burlington Mechanics' Institute.

An act to legalize the acts of John A. Drake, and Samuel B. Ayres Justices of the Peace.

An act for the relief of Thomas Summerlin, collector of Van Buren county.

No. 7, C. F. "A Bill to amend an act, entitled An act, to authorize Robert M. G. Patterson, to and keep a Ferry across the Mississippi river," &c.

Having been returned from the Council, with the amendment of the House disagreed to,

A motion was made by Mr. Rogers, that the House insist upon their amendment which is in the following words:

That any future Legislature shall have the power to repeal, alter, or amend this charter.

And was decided in the affirmative,

Yeas 16—Nays 8.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Fay, Foley, Hackleman, Johnson, McCleary, Nowlin, Rogers, Smyth, Thompson, Wright and Carleton (Speaker.)

Those who voted in the negative are,

Messrs. Brierly, Grimes, Mitchell, Robb, Roberts, Steele, Walworth and Wilson.

No. 49, H. R. File, "A Bill to incorporate the Common School Association of Henry county,"

Having been returned from the Council with the following section stricken out, to wit:

That any future Legislature, may alter, or repeal this act,

A motion was made by Mr. Robb, that the House concur.

Which was decided in the affirmative.

Yeas 14, Nays 9.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Culbertson, Grimes, Hackleman, Johnson, Mitchell, Robb, Roberts, Steele, Walworth, Wilson, Wright, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Bonney, Borland, Brophy, Fay, Foley, McCleary, Rogers, Smyth, and Thompson.

No. 11, H. R. File, "A Bill to provide for assessing and collecting Public revenue, being the order of the day, was referred to a Committee of the whole House, for the consideration of the same.

After some time spent therein,

The Speaker resumed the Chair, and Mr. Hackleman reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House, and ask leave to sit again.



Leave was granted to sit again on to-morrow.

A Message from the Council by Mr. Wallace their Secretary.

MR. SPEAKER:

The Council have passed.

No. 44, H. R. File, "A Bill for an act, donating certain property in Iowa City, to the Mechanics' Mutual Aid Association."

The Council have appointed.

Messrs. Wallace and Gehon a Committee, to consult with a similar Committee appointed on the part of the House of Representatives to ascertain and report to the two Houses, on what day the present session may be brought to a close, without detriment to the public interest.

The Council have also appointed

Messrs. Wallace and Teas, a Committee of Conference, to act with a similar Committee, appointed on the part of the House, relative to the disagreeing vote of the two Houses, upon,

No. 23, H. R. File, "A Bill to organize the counties of Keokuk and Mahaska."

I herewith presented for your signature.

An act to locate a Territorial Road from Fairfield, in Jefferson county, to the Indian boundary, in the direction to the Indian Agency, at the Raccoon fork of the Des Moines river.

An act for the relief of Chauncey Swan.

An act to district the county of Scott for the election of County Commissioners.

And then he withdrew.

The Speaker signed said acts.

On motion of Mr. Wilson,

The House adjourned until to-morrow morning, at 10 o'clock.

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### **Saturday Morning, January 27, 1844.**

Mr. Smyth presented the petition of Isaac Searles, minister of the gospel, praying the passage of an act, remitting all penalties and forfeitures, which he may have incurred, by solemnizing the marriage of Thomas Hare with Eliza Jane Willis, without having obtained a license therefor.

Which was laid on the table.

On motion of Mr. Brierly,

Ordered, That the delegation from Henry county be added to the Select Committee, to which was referred the petitions of the citizens of Lee county, praying the re-location of the county seat of said county.

On motion of Mr. Rogers,



The Delegation from Van Buren county, was also added to said Committee.

On motion of Mr. Wilson,

Resolved, That the Committee on the Judiciary, enquire into the expediency of providing by law, for three terms of the District Court annually, in each county, in the first Judicial District, and to report by bill or otherwise.

Mr. Fay offered the following.

Whereas, the members of this House are desirous of adjourning, at the earliest day the interests of the Territory will admit of their so doing, and,

Whereas, its business is largely accumulated, therefore.

Resolved, That for the greater despatch of its business, this House will in future, assemble at 9 o'clock A. M. until otherwise ordered.

Which was decided in the affirmative.

Mr. Nowlin gave notice, that he would on some future day, introduce,

A Bill to lay out a Territorial Road, from Bennets' Mill in Buchanan county, via. the county seat of Delaware county, to the city of Dubuque; also,

To lay out a Territorial Road, from J. H. Jenkins, in Linn county, to some proper point in a direction to Dubuque.

Mr. Robb from the Committee on Enrolled Bills, reported, that they had examined

An act donating certain property in Iowa City, to the Mechanics' Mutual Aid Association.

Joint Resolutions providing for the payment of Doolittle and Munson, for certain seals.

Joint Resolutions, asking Congress for an appropriation, for defraying the expenses of a Treaty with the Pottowatimie Indians; also, asking the removal of the Missouri, Sac and Fox, and Iowa Indians.

And found the same correctly enrolled.

The Speaker signed said act, and resolutions.

Mr. Brierly, from the select Committee, to which was referred,

No. 5, C. F. "A Bill to provide for the expression of the people of the Territory of Iowa, upon the subject of the formation of a State Constitution, for the State of Iowa," reported the same back to the House, with sundry amendments.

Mr. Thompson, on leave, introduced,

No. 91, H. R. File, "A Bill supplemental to an act, entitled an act, relative to proceedings in Chancery, approved Jan. 23, 1839."

Which was read a first time; and,

On motion of Mr. Grimes,

Fifty copies were ordered to be printed.

No. 34. H. R. File, "A Bill amendatory of an act, entitled an act, to organize discipline and govern the Militia of this Territory, approved July 31, 1840."

Was read a second time.



A motion was made by Mr. Wilson, that the Bill be engrossed, and read a third time on Monday next.

And was decided in the affirmative.

Yeas 14—Nays 6.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Brierly, Fay, Grimes, Hackleman, Mitchell, Nowlin, Robb, Roberts, Rogers, Smyth, Thompson, Wilson, Wright and Carleton (Speaker.)

Those who voted in the negative are,

Messrs. Bonney, Borland, Culbertson, McCleary, Steele, and Walworth.

No. 87, H. R. File, "A Bill for the relief of Rev. Isaac Searles.

No. 88, H. R. File, "A Bill to legalize the acts of Justices of the Peace, and Constables in certain cases."

Were severally read a second time; and,

On motion of Mr. Smyth,

Ordered, to be engrossed and read a third time on Monday next.

No. 90, H. R. File, "A Bill to amend an act, entitled An act, for the prevention of certain immoral practices, approved 10th. of Feb. 1843."

Was read a second time.

A motion was made by Mr. Grimes, that the bill be indefinitely postponed.

Which was decided in the affirmative.

Yeas 16, Nays 7.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brierly, Borland, Culbertson, Fay, Grimes, Hackleman, Johnson, Nowlin, Robb, Roberts, Rogers, Smyth, Steele, Walworth, Wilson, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Baker, Bonney, Foley, Mitchell, McCleary, Thompson, and Wright.

So the bill was indefinitely postponed.

No. 50, H. R. File, "A Bill to repeal an act entitled An act, for the prevention of certain immoral practices."

Was read a third time.

And the question being put, shall the bill pass?

It passed in the affirmative.

Yeas 19—Nays 5.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brierly, Borland, Culbertson, Foley, Grimes, Hackleman, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Smyth, Steele, Thompson, Walworth, Wilson, Wright and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Baker, Bonney, Brophy, Fay, and Rogers.

A motion was made by Mr. Brophy, that the title of the bill be as follows:



An act, in direct violation, of the spirit of our republican institutions, and for the promotion and advancement of New England fanaticism and religious intolerance.

Which was decided in the negative.

Yeas 3, Nays 21.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Bonney, and Brophy.

Those who voted in the negative are

Messrs. Brierly, Borland, Culbertson, Fay, Foley, Grimes, Hackleman, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Rogers, Smyth, Steele, Thompson, Walworth, Wilson, Wright, and Carleton (Speaker.)

A motion was made by Mr. McCleary, to amend the title of the bill as follows:

Strike out the word *repeal*, and insert the word *amend*.

Which was decided in the affirmative.

A motion was made by Mr. Walworth, to reconsider the vote on the passage of the Bill.

Which was decided in the negative.

The following bills, to wit:

No. 3, H. R. File, "A Bill to authorize Hugh Boyle and Ralph Bissell, to erect a Dam across Skunk river in Henry county."

No. 56, H. R. File, "A Bill to amend an act entitled An act, for the election of Constables and defining their duties."

No. 69, H. R. File, "A Bill to punish the obstructing of the public roads," &c.

No. 70, H. R. File, "A Bill to locate and establish a Territorial Road, from Brighton in Washington county, to the county seat of Mahaska county."

No. 71, H. R. File, "A Resolution, asking Congress for the establishment of a Post Route, from Nauvoo to Montrose."

No. 73, H. R. File, "A Memorial to Congress asking for an appropriation to pay the debts of previous Legislatures."

No. 74, H. R. File, "A Resolution, relative to Mail Routes Nos. 4228 and 4506."

No. 80, H. R. File, "A Bill to incorporate the subscribers, for erecting a Dam across the Muscatine Slough."

No. 81, H. R. File, "A Bill to legalize the acts of James T. Harden, Recorder of Jefferson county."

No. 82, H. R. File, "A Bill to amend an act entitled An Act to establish new counties and define their boundaries."

No. 83, H. R. File, "A Memorial to Congress, asking for a donation of Land for the Iowa City College."

No. 85, H. R. File "Joint Resolutions for the establishment of certain Post Routes."

No. 86, H. R. File, "A Bill to amend an act, entitled An act, for the incorporation of the town of Mount Pleasant in Henry county."



No. 21, C. F. "A Bill to incorporate the Toolesborough Manufacturing Company;"

No. 30, C. File, "A Bill to incorporate the Wappesipinicon Mill Company;"

No. 34, C. F. "A Joint Resolution upon the subject of procuring from Congress compensation to the citizens of Iowa, for services rendered and expenses incurred, in defending the southern border of the Territory."

Were severally read a third time and passed.

Ordered, That the Council be informed accordingly.

No. 78, H. R. File, "A Bill to organize the county of Delaware, and to provide for holding Court in the same," was read a third time; and,

On motion of Mr. Mitchell,

Laid on the table.

Mr. Rogers on leave, introduced,

No. 92, H. R. File, "Joint Resolutions, relative to the re-payment of the fine imposed upon General Jackson."

Which was read a first time.

Mr. Baker, from the Committee of Conference, appointed to take under consideration the disagreeing vote of the two Houses upon,

No. 23, H. R. File, "A Bill to organize the counties of Keokuk and Mahaska,"

Reported that the Committee had agreed to concur in the amendment of the Council.

The House concurred in the report.

The Speaker laid before the House, the following communication.

SECRETARY'S OFFICE,

*Iowa City, January 26th, 1844.*

SIR:—I have the honor to acknowledge the receipt of a Resolution, passed this day, by the House of Representatives, requesting to be informed—"First, whether the laws passed and ordered to be printed at the last session of this Legislature, have been printed, and distributed according to law; and, secondly, whether the printers, Messrs. Williams and Hughes, before undertaking said printing, made and executed the proper bonds as provided for by the general law upon the subject of public printing?"

In reply, I would respectfully inform the House, through its honorable Speaker, that the laws have been printed and partially distributed. I understand that a portion of the volumes remaining unbound is one reason why the distribution has not been completed.

There is no bond executed by Williams and Hughes for printing the laws of the last session of the Legislature on file in this office.

I am, sir, very respectfully,

Your obedient servant,

S. J. BURR.

To the Honorable James P. Carleton, Speaker of the House of Representatives, Iowa City.

The House resumed, in Committee of the whole House, the consideration of,



No. 11, H. R. File, "A Bill to provide for assessing and collecting Public Revenue."

And after sometime spent therein,

Mr. Speaker resumed the chair, and Mr. Hackleman reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House, and ask leave to sit again this afternoon.

Leave was granted.

And then the House adjourned until 2 o'clock, P. M.

## 2 O'CLOCK P. M.

Mr. Thompson, on leave, introduced

No. 93, H. R. File, "A Memorial to Congress for a donation of land, for the Mount Pleasant Institute;"

Which was read a first time.

The House, in Committee of the Whole House, resumed the consideration of

No. 11, H. R. File, A Bill to provide for assessing and collecting Public Revenue.

After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Hackleman reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House, and ask leave to sit again. Leave was granted.

A Message from the Council by Mr. Wallace their Secretary.

MR. SPEAKER:

The Council have passed

■ No. 15, C. F. "A Bill to encourage the destruction of Wolves." and  
No. 35, C. F. "A Bill to locate a Territorial Road from Iowaville, in Van Buren county, to Autumwa, in Wapello county."

No. 36, C. F. "A Bill to locate a Territorial Road from the old Indian boundary line, in Des Moines township, in Jefferson county, via Agency City, to the Seat of Justice of Mahaska county."

In which the concurrence of the House is requested.

The Council have also passed

No. 20, H. R. File, "An act to authorize John O'Hara, his heirs and assigns, to establish and keep a Ferry across the Mississippi river, at the town of Keokuk, in the county of Lee," and,

No. 66, H. R. File, "A Bill to amend an act entitled An Act to incorporate the Farmers' Half-Breed Land Co., in the county of Lee."

I herewith return,

An Act to incorporate the Burlington University;" and,

An Act to change the time of holding the General Election."

The same being signed by the President of the Council.

And then he withdrew.

On motion of Mr. Wilson,

The House adjourned until Monday morning, at 9 o'clock.



**Monday Morning, January 29, 1844.**

Mr. Robb presented the petition of 101 citizens of Henry county, praying the repeal or modification of the "Valuation Law;"

Which was laid on the table.

Mr. Robb presented the petition of 25 citizens of Henry county, praying the repeal of the "Valuation and Usury Laws;"

Which was laid on the table.

Mr. Robb presented the petition of 33 citizens of Henry and Washington counties, praying for the location of a Territorial Road from Deed's Mills, in Jefferson county, to Crippen's Mills, in Washington county.

Also, praying the location of a Territorial Road from Brighton, in Washington county, to intersect the Territorial road leading from Mt. Pleasant to Washington.

Which was referred to the Committee on Roads and Highways.

Mr. Johnson presented the petition of 466 citizens of Des Moines county, who are opposed to the effort now making, to revive that *exploded* and *swindling* institution, the Dubuque Bank, and request their representatives to vote against all measures looking towards its resuscitation.

Which was laid on the table.

Mr. Thompson presented the petition of 44 citizens of Henry county, praying the repeal of the law relating to Marriages.

Which was laid on the table.

Mr. Wilson presented the petition of 21 citizens of Henry county, remonstrating against the repeal of the law relating to Marriages.

Which was laid on the table.

Mr. Brierly gave notice, that he would, on to-morrow, introduce

A Joint Resolution, instructing our Delegate in Congress, to use his influence to obtain an appropriation, for the survey of the northern boundary of the Half-Breed Tract.

Mr. Brophy gave notice, that he would, on to-morrow, introduce

A Bill to establish a Seminary of Learning, at the town of De Witt in Clinton county.

Mr. Foley gave notice, that he would, on some future day, introduce

A Memorial to Congress asking for a grant of one township or 36 sections of land, to the Jackson County Academy, for educational purposes.

Mr. Thompson gave notice, that he would, on to-morrow, introduce

A Bill to incorporate the Mount Pleasant Collegiate Institute.

Mr. Robb gave notice, that he would, on to-morrow, introduce

A Bill to authorize the County Commissioners of Henry county to



vacate a part of Webster street, in said county.

Mr. Bonney, on leave, introduced

No. 94, H. R. File, "A Bill to amend an act entitled An Act, regulating Mills and Millers.

Mr. Grimes, from the Committee on Corporations, introduced

No. 95, H. R. File, "A Bill to amend an act entitled An Act to establish a Ferry across the Mississippi river, approved Jan. 18, 1838.

Said Bills were severally read a first time.

Mr. Robb, from the Committee on Enrolled Bills, reported, that they had examined

An Act to amend an act entitled An Act to incorporate the Farmers' Half-Breed Land Company.

An Act to incorporate the Common School Association of Henry county.

An Act to incorporate the Farmington Academy and High School.

An Act to authorize John O'Hara, his heirs and assigns, to establish and keep a Ferry across the Mississippi river, at the town of Keokuk.

And found the same correctly enrolled.

The Speaker signed said acts.

Mr. Robb, from the Committee on Enrolled Bills, reported, that the Committee did, on the 27th inst., present to the Governor, for his approval,

An Act to locate a Territorial Road from Wapello, in Louisa county, to Augusta, in Des Moines county.

The following bills, to wit:

No. 15, C. F. "A Bill to encourage the destruction of Wolves."

No. 35, C. F. "A Bill to locate a Territorial Road from Iowaville, in Van Buren county, to Autumwa, in Wapello county.

No. 36, C. F. "A Bill to locate a Territorial Road from the old Indian boundary line, in Des Moines township, in Jefferson county, via Agency City, to the Seat of Justice of Mahaska county,

Were severally read a first time.

No. 5, C. F. "A Bill to provide for the expression of the opinion of the people of the Territory, relative to a State Government;"

Was read a second time, and the further consideration thereof postponed until Wednesday next.

No. 92, H. R. File, "Joint Resolutions relative to the repayment of the fine imposed upon General Jackson;"

Was read a second time, and,

On motion of Mr. Rogers,

Ordered to be engrossed and read a third time to-morrow.

No. 93, H. R. File, "A Memorial to Congress, asking for a donation of land for the Mount Pleasant Institute;"

Was read a second time, and,

On motion of Mr. Thompson,

Laid on the table.

No. 54, H. R. File, "A Bill amendatory of an act entitled An Act to provide for the election of Justices of the Peace, to prescribe their



powers and duties, and regulate their proceedings," being the order of the day,

Was considered in the Committee of the Whole House. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Wilson reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same to the House with sundry amendments, and ask its concurrence.

The amendments were all concurred in, except the striking out of the word May and inserting the word March, in the following section:

This act shall take effect and be in force from and after the first of May next.

Which was disagreed to.

Yeas 9, Nays 14.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Brierly, Culbertson, Fay, Hackleman, Johnson, Roberts, Thompson, Wilson, and Wright.

Those who voted in the negative are

Messrs. Bonney, Borland, Brophy, Foley, Grimes, Mitchell, McCleary, Nowlin, Robb, Rogers, Smyth, Steele, Walworth, and Carleton, (Speaker.)

A motion was made by Mr. Hackleman, to strike out the first of May, and insert the fifteenth of March.

Mr. Fay called for a division of the question, first on striking out the first of May.

And the question being put,

It was decided in the affirmative.

Yeas 16—Nays 7.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Brierly, Brophy, Culbertson, Fay, Foley, Grimes, Hackleman, Johnson, Mitchell, Nowlin, Roberts, Rogers, Smyth, Thompson, Wilson, and Wright.

Those who voted in the negative are,

Messrs. Bonney, Borland, McCleary, Robb, Steele, Walworth, and Carleton (Speaker.)

So the first of May was stricken out.

A motion was made by Mr. Foley, to insert the first Tuesday in April; Which was decided in the negative.

A motion was made by Mr. Rogers, to insert the 1st Monday in April, And was decided in the affirmative.

Yeas 13—Nays 10.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brophy, Fay, Foley, Johnson, Mitchell, McCleary, Nowlin, Robb, Rogers, Smyth, Steele, Wright, and Carleton, (Speaker.)

Those who voted in the negative are,



Messrs. Bonney, Brierly, Borland, Culbertson, Grimes, Hackleman, Roberts, Thompson, Walworth, and Wilson.

On motion of Mr. Thompson,

Ordered, That the bill be engrossed, and read a 3d time to-morrow.

On motion of Mr. Wilson,

The House adjourned until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

A Message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

The Council have passed

No. 7, C. F. "A Bill to incorporate the Iowa City Manufacturing Company."

Also, with amendments,

No. 31, H. R. File, "A Bill defining the jurisdiction of the Supreme Court, and regulating the practice therein."

No. 65, H. R. File, "A Bill to locate a Territorial Road from Davenport to Iowa City;"

In which the concurrence of the House is requested.

The Council have passed, without amendment,

No. 22, H. R. File, "A Bill to establish a Territorial Road from Iowa-ville, on the Des Moines river, to the Missouri line, at the point where the Mormon trace crosses said line."

No. 62, H. R. File, "A Bill for the relief of Malcolm Murray, late of the firm of Murray & Sanxey."

No. 63 H. R. File, "A Bill to allow Avery Thomas to change his name."

No. 67, H. R. File, "A Bill to incorporate the Dubuque, Clayton, Delaware, and Jackson Mutual Fire Insurance Company."

No. 68, H. R. File, "A Bill to extend the Territorial Road from Mt. Pleasant to the Indian boundary line, via Autumwa, Eddysville, to Lake Prairie, opposite the mouth of White-breast, in the county of Mahaska."

No. 73, H. R. File, "A Memorial to Congress, asking for an appropriation to pay the debts of previous Legislatures."

No. 84, H. R. File, "A Memorial to Congress relative to granting the right of pre-emption to unsurveyed lands."

I herewith return

An Act to amend an act, entitled An Act to incorporate the Farmers' Half-Breed Land Company, in Lee county.

An Act to incorporate the Farmington Academy and High School.

An Act to authorize John O'Hara, his heirs and assigns, to establish and keep a Ferry across the Mississippi river, at the town of Keokuk, in the county of Lee.

An Act to incorporate the Common School Association of Henry county.

An Act donating certain property in Iowa City, to the Mechanics'



Mutual Aid Association.

Joint Resolution, providing for the payment of Doolittle & Munson, for certain Seals.

A Joint Resolution, asking Congress for an appropriation, to defray the expenses of a Treaty with the Pottawattomie Indians; also, asking the removal of the Missouri, Sac and Fox, and Iowa Indians.

All of which have been signed by the President of the Council.

And then he withdrew.

On motion of Mr. Grimes,

The House resumed, in Committee of the whole House, the consideration of,

No. 11, H. R. File, "A Bill to provide for assessing and collecting Public Revenue."

And after sometime spent therein,

Mr. Speaker resumed the chair, and Mr. Hackleman reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House with sundry amendments.

On motion of Mr. Thompson,

Ordered, That the bill be referred to the Committee on the Judiciary.

The following bills, to wit:

No. 28, C. F. "A Bill to amend an act, subjecting real and personal estate to execution;"

No. 76, H. R. file, "A Bill to amend an act entitled An act, subjecting real and personal estate to execution;"

No. 77, H. R. File, "A Bill for an act amendatory of an act, subjecting real and personal estate to execution;"

Being the order of the day, were considered in the Committee of the Whole House.

After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Mitchell reported, that the Committee had, according to order, had said bills under consideration, and instructed him to report the same to the House with amendments.

On motion of Mr. McCleary,

Ordered, That said Bills be referred to the Committee on the Judiciary.

On motion of Mr. Bonney,

No. 61, H. R. File "A Bill for the improvement of Sheep;"

Was taken from the table, and referred to a Committee of the Whole House for the consideration of the same.

After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Johnson reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House without amendment.

A motion was made by Mr. Fay, to insert the words "and boar," after the word "ram," wherever it occurs.



Which was not agreed to.

A motion was made by Mr. Nowlin, to add the following section to the bill:

Sec. That if any boar, over the age of four months, shall be found running at large, out of an inclosure, any person may alter such boar, at the risk of the owner.

Which was decided in the negative.

Yeas 10, Nays 14.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Brophy, Fay, Foley, Nowlin, Roberts, Rogers, Smyth, and Walworth.

Those who voted in the negative are,

Messrs. Bonney, Borland, Culbertson, Grimes, Hackleman, Johnson, Micthell, McCleary, Robb, Steele, Thompson, Wilson, Wright, and Carleton, (Speaker.)

On motion of Mr. Wilson,

Ordered, That the bill be engrossed and read a third time to-morrow

And then, on motion,

The House adjourned until to-morrow morning, at 9 o'clock.

### **Tuesday Morning, January 30, 1844.**

Mr. Steele presented the petition of 27 citizens of Lee county, praying the passage of an act, restraining rams from running at large, certain months in the year.

Which was laid on the table.

Mr. Foley presented the petition of 26 citizens of Jackson county, praying a Charter may be granted to the Washington Lyceum.

Which was referred to a Select Committee, viz:

Messrs. Foley, Brophy and Nowlin.

Mr. Bonney presented the petition of 1112 citizens of Lee county, remonstrating against the division of said county.

Which was referred to the Select Committee heretofore appointed on that subject.

A motion was made by Mr. Wilson, that the delegation from Henry county, be excused from serving on said Committee.

Which was decided in the negative.

Mr. Johnson presented the petition of Mary Jane Ryan, praying to be divorced from her husband John P. Ryan.

Which was read, and,

On motion of Mr. Johnson,

Ordered, That the petitioner have leave to withdraw her petition.



Mr. Walworth from the Committee on engrossed Bills reported Nos. 72, 79, 87, 88, as correctly engrossed.

Mr. Thompson gave notice, that he would on to-morrow, ask leave, to introduce,

A Bill to incorporate the Mount Pleasant Lyceum.

Mr. Baker gave notice, that he would, on to-morrow, ask leave to introduce,

A Joint Resolution authorizing Charles Robbins, to furnish suitable seals for the counties of Keokuk and Mahaska.

Mr. Thompson, on leave, introduced

No. 96, H. R. File, "A Bill to incorporate the Mount Pleasant Collegiate Institute."

Mr. Foley on leave, introduced

No. 97, H. R. File, "A Memorial to Congress for a township of land, to the Jackson County Academy."

Mr. Brophy, on leave, introduced

No. 98, H. R. File, "A Bill to establish a Seminary of Learning, at De Witt in Clinton county."

Mr. Wilson, from the Committee on Roads and Highways, introduced

No. 99, H. R. File, "A Bill declaring a certain Road therein named a public Highway," &c.

Mr. Wilson, from the Committee on Roads and Highways, introduced,

No. 100, H. R. File, "A Bill for opening section lines."

Mr. Borland from the Select Committee appointed for that purpose, introduced

No. 101, H. R. File, "A Bill to amend an act, entitled An act for the incorporation of the town of Farmington, approved Jan. 11th, 1841."

Mr. Grimes from the Committee appointed for that purpose, reported,

No. 102, H. R. File, "A Bill to establish the time of holding the District Courts, in the several Judicial Districts."

Mr. Wilson, from the Committee on Roads and Highways, reported.

No. 103, H. R. File, "A Bill to authorize the payment of the expenses, of laying out a certain Territorial Road."

Mr. Grimes, from the Committee on Corporations, reported,

No. 104, H. R. File, "A Bill to amend an act, entitled An act to establish a Seminary of learning in Louisa county."

Said Bills were severally read a first time; and,

Fifty copies of No. 102, ordered to be printed.

Mr. Robb, from the Committee on Enrolled Bills, reported,

That the Committee did on the 29th. inst., present to the Governor for his approval.

An act to change the time of holding the General Election.

An act to incorporate the Burlington University; also,

That the Committee had examined.

An act to organize the counties of Keokuk and Mahaska, and found



the same correctly enrolled.

The Speaker signed said act.

Mr. Wilson from the Joint Committee, appointed to ascertain the earliest day that the Legislature may adjourn, without detriment to the public interest, reported, that they are nnanimously of the opinion after a careful and thorough examined of the matter, that the legislature cannot adjourn before the 16th. day of February, without proving detrimental to the public interest.

No 7. C. F. "A Bill to incorporate the Iowa City Manufacturing company."

Was read a first time.

No. 31, H. R. File, "A Bill defining the jurisdiction of the Supreme Court, and regulating the practice therein, as amended by the Council was taken up and considered, and the amendment of the Council amended by striking out the word "twenty," and inserting the word fifteen," in the 11th Sec.

No. 52, H. R. File, "A Bill to abolish capital punishment,"

Being the order of the day, was,

On motion of Mr. Thompson,

Postponed until Tuesday next.

No. 89, H. R. File, "A Bill regulating Marriages, and abolishing licenses therefore,"

Was referred to a Committee of the Whole House, for the consideration of the same.

And after some time spent therein,

Mr. Speaker resumed the chair, and Mr. McCleary reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House, without amendment.

A motion was made by Mr. Robb, to strike out the enacting clause of the bill.

Which was decided in the negative.

Yeas 8, Nays 16.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Foley, Grimes, Mitchell, Nowlin, Robb, Steele, Walworth, and Wilson.

Those who voted in the negative are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Johnson, McCleary, Roberts, Rogers, Smyth, Thompson, Wright, and Carleton (Speaker.)

Several amendments being proposed; it was,

On motion of Mr. Foley,

Ordered, That the further consideration of the bill, be postponed until Thursday next.

On motion of Mr. Wilson,

The House adjourned until to-morrow morning at 10 o'clock.



**Wednesday Morning, January 31, 1844.**

Mr. Brierly presented the petition of 326 citizens of Lee county, praying for a division of said county.

Which was referred to the Select Committee heretofore appointed on the same subject.

The Speaker presented the petition of 10 citizens of Johnson county, praying that a part of the town of Solon, in said county, may be vacated.

Which was referred to a Select Committee, viz:

Messrs. Baker, Smyth, and Fay.

Mr. Mitchell presented the petition of 18 citizens of Scott county, praying the re-location of a part of the Territorial Road running from Elizabeth City, to its junction with the Territorial Road leading from Camanche to Iowa City;

Which was referred to the Committee on Roads and Highways.

Mr. Mitchell presented the petition of 93 citizens of Davenport, in Scott county, praying the passage of an act to amend the act of incorporation of said town.

Which was referred to the Committee on the Judiciary.

Mr. Fay gave notice, that he would, on to-morrow, ask leave to introduce

A Bill for the relief of William Parvin, Collector of Muscatine county.

Mr. Robb, from the Committee on Enrolled Bills, reported, that they had examined

An act to locate a Territorial Road from Davenport to Iowa City.

An act to allow Avery Thomas to change his name.

A Memorial to Congress, relative to granting the right of pre-emption to unsurveyed lands.

A Memorial to Congress, asking for an appropriation to pay the debts of previous Legislatures.

An act to establish a Territorial Road, from Iowaville, on the Des Moines river, to the Missouri line.

An Act to extend the Territorial road, from Mount Pleasant to the Indian boundary line.

An Act for the relief of Malcolm Murray, late of the firm of Murray and Sanxey, and found the same correctly enrolled.

The Speaker then signed said Acts and Memorials.

Mr. Walworth from the Committee on Engrossed Bills, reported, that the committee had examined, Nos. 34, 54, & 61, H. R. File, and found the same correctly engrossed.

A Message from the Council by Mr. Wallace their Secretary.



MR. SPEAKER:

The Council have passed

No. 37, C. F. A Bill to locate a Territorial Road, from a certain point in Muscatine County therein named, to the rapids on Cedar river in Linn County.

No. 38, C. F. A Bill to locate a Territorial Road, from the southern line of Davis County, to the Northern line of Wapello County.

No. 39, C. F. A Bill to incorporate the Board of Trustees, of the Congregational Church and Society of Burlington,

Being a substitute for

No. 17, H. R. An Act to incorporate the board of Trustees of the Congregational Church of Burlington.

No. 42, C. F. A Bill to establish and locate a road from John Scott's farm, on Nassau Island, in Lee County, to intersect the road, leading from Keokuk to Farmington, at or near the residence of Phineas Hunt.

Also, with amendments,

No. 51, H. R. File, "A Bill relative to Religious Societies."

No. 85, H. R. Joint Resolutions, for the establishment of certain Post Routes.

No. 81, H. R. An Act to legalize the acts of James T. Harden, Recorder of Jefferson County.

In which the concurrence of the House is requested.

The Council have also passed without amendment,

No. 56, H. R. A Bill to amend an Act, entitled An Act for the election of Constables and defining their duties, approved, January 24th, 1839.

No. 60, H. R. A Bill to incorporate the Iowa Botanic Medical Society.

No. 71, H. R. A Resolution asking Congress for the establishment of a Post Route.

No. 80, H. R. A Bill to incorporate the subscribers for erecting a dam across the Muscatine Slough, and,

No. 82, H. R. A Bill to amend An Act, entitled An Act, to establish new counties, and define their boundaries, in the late cession from the Sac and Fox Indians, and for other purposes, approved, February 17, 1843.

I herewith present for your signature,

A Joint Resolution upon the subject of procuring from Congress compensation to the citizens of Iowa, for services rendered and expenses incurred, in defending the southern border of the Territory, and

An Act to amend An Act, entitled An Act to authorize R. M. G. Patterson to keep a ferry across the Mississippi river at the mouth of Nassau Slough.

The Council have receded from their disagreement to the amendment of the House, to

No. 8, C. F. "A Bill to amend an act, entitled An act to authorize



R. M. G. Patterson, to establish and keep a ferry, accross the Mississippi river, at the mouth of Nassau Slough, and

Disagreed to the amendments made by the House, to

No. 21, C. F. "A Bill to incorporate the Toolesborough Manufacturing Company, and

No. 30, C. File, "A Bill to incorporate the Wappesipinicon Mill Company.

And then he withdrew.

Mr. Wilson, from the Committee on Roads and Highways, reported the following bills, to wit:

No. 105, H. R. File, "A Bill to locate a Territorial Road from Iowa City to the Seat of Justice of Mahaska county;"

No. 106, H. R. File, "A Bill to locate and establish a Territorial Road from Fort Madison, in Lee county, to Salem, in Henry county."

No. 107, H. R. File, "A Bill to legalize the location of a Territorial Road from Davenport to Bellview."

Mr. Brierly, on leave, introduced

No. 108, H. R. File. "A Resolution, requesting an appropriation for the survey of the Half-Breed line."

Mr. Nowlin, on leave, introduced

No. 109, H. R. File, "A Bill to lay out a Territorial Road from Bennett's Mill, in Buchanan county, to, or near Wm. Myers', in Dubuque county."

Mr. Foley, on leave, introduced,

No. 110, H. R. File, "A Memorial to Congress for the establishment of a Mail Route from Galena, Ill., via Bellview to Iowa City.

Mr. Robb, from the Committee on Finance, submitted a report in relation to the Finances of the Territory, as follows.

The Committee of Finance, to whom was referred a resolution directing said Committee to enquire into, and report the amount of indebtedness of this Territory, beg leave to report.

That your Committee have not been able to ascertain to their own satisfaction, the precise amount of indebtedness of the Territory. We have, however, learned the painful truth, that our Territory is, in proportion to her means of payment, largely indebted. Your Committee are of the opinion that the first organization of a Territorial Treasury, and the appointment of a Territorial Auditor, was an unfortunate step in our early history, and has, together with the legislation that accompanied that act, been the fruitful mother of the greater part of our Territorial debt. We had an Auditor and a Treasurer, and we must of necessity give them employment, at least a sufficient quantity of it to frame an excuse for giving them a salary; and to pay that salary, a Territorial tax must be laid; and the door for taxation being once open, former legislatures, whether wisely or not your Committee will not determine, ordained that the costs of criminal prosecutions, in many cases where the United States failed, should be taxed to the Territory; this was, we believe, repealed one or two years ago; there is, however, a provision still in existence, by which the Terri-



tory may be taxed with the costs of prosecution when a criminal is convicted. This has been a fruitful source of debt. At the end of every criminal prosecution, it is very common for some attorney of the county where the prosecution was had, to move the court that the costs be taxed to the Territory, which is usually done; so that there is a reasonable prospect of Iowa following the example of the States in the way of contracting debts; and is about to commence the world with the equivocal blessing of being largely in debt. Your Committee present the following as a part only, of the debts, as there are some debts owed by the Territory, that your Committee could only learn that they were *debts*, without being able to learn the exact amount.

Amount as reported by the Auditor	\$13,154 25
Debt to Dubuque Bank	6,000 00
Debt to Malcolm Murray	1,445 00
Debt for the penitentiary	3,187 62
Balance due Hughes & Williams for printing	2,830 00
Balance due William Crum for printing	924 50
Balance due Wilson & Keesecker	750 00

Making a grand total of \$28,291 37

There are other items and some of them large, that your Committee cannot give the amount of precisely, and therefore will not attempt anything further than to state the names of the creditors as far as they have come to the knowledge of your Committee. John B. Russell is a creditor of the Territory, for printing done for the last Legislature, but to what amount your Committee can only give report, which is said to be about \$750; also a debt of a small amount, say \$200, to Alfred Sanders of Davenport. Now to meet this debt, there is but \$3,773 90 which is due to the Territorial Treasury from the several counties of this Territory, in relation to which, the Auditor holds the following language: "the undersigned feels well convinced that but little, if any of it will ever be made available to the Territory, unless some new mode should be adopted different from the present system of collecting and paying over the Territorial Revenue."

Your Committee would respectfully recommend that some provision be made in the present revenue bill for the speedy and prompt collection of the out-standing Territorial Revenue; and that a special Territorial tax be laid for the liquidation of the present Territorial debt. And your Committee would further suggest the propriety of abolishing all Territorial offices except those provided and paid for by the Government of the United States, at least after the present debt shall have been paid.

Also, the following entitled bill:

No. 111, H. R. File, "A Bill to provide for the payment of costs in certain cases."

Mr. Mitchell, on leave, introduced

No 112, H. R. File, "A Bill to abolish imprisonment for debt."



Said bills were severally read a first time, and No. 112 was,

On motion of Mr. Robb,

Ordered to be printed.

Mr. Thompson, from the Committee on the Judiciary, reported back with amendments,

No. 40, H. R. File, "A Bill vesting in married women all property acquired by them in their own right, either before or after marriage."

No. 5, C. F. "A Bill to provide for the expression of the opinion of the people relative to a State Government, as amended by the Select Committee, was taken up and considered, and the amendments to the 2d, 3d, and 4th sections concurred in.

A motion was made by Mr. Thompson, to so amend the bill, that Henry county should have six delegates in the Convention, instead of five.

And was decided in the negative.

A motion was made by Mr. Grimes, to so amend the bill, that Des Moines county should have 9 delegates in the Convention instead of 8.

And was decided in the negative.

Yeas 9, Nays 16.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Culbertson, Grimes, Hackleman, Johnson, Robb, Steele, Thompson, Wilson, and Wright.

Those who voted in the negative are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Fay, Foley, Mitchell, McCleary, Nowlin, Rogers, Roberts, Smyth, Walworth, Wray, and Carleton, (Speaker.)

The question was then taken upon the apportionment of the delegates, as proposed by the Select Committee.

And decided in the affirmative.

Yeas 15—Nays 10.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Borland, Brophy, Fay, Foley, Hackleman, Mitchell, McCleary, Nowlin, Rogers, Smyth, Walworth, Wray, and Carleton (Speaker.)

Those who voted in the negative are,

Messrs. Bonney, Culbertson, Grimes, Johnson, Robb, Roberts, Steele, Thompson, Wilson, and Wright.

A motion was made by Mr. Thompson, to strike out Iowa City, as the place of meeting of the Convention, and insert Mount Pleasant.

Which was decided in the negative.

Yeas 9—Nays 16.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brierly, Culbertson, Grimes, Robb, Roberts, Steele, Thompson, Wilson, and Wright.

Those who voted in the negative are



Messrs. Baker, Bonney, Borland, Brophy, Fay, Foley, Hackleman, Johnson, Mitchell, McCleary, Nowlin, Rogers, Smyth, Walworth, Wray, and Carleton (Speaker.)

A motion was made by Mr. Grimes, to strike out Iowa City, and insert Burlington.

Which was decided in the negative.

Yeas 10, Nays 15.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Brierly, Grimes, Hackleman, Johnson, Robb, Roberts, Steele, Thompson, Wilson, and Wright.

Those who voted in the negative are,

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Fay, Foley, Mitchell, McCleary, Nowlin, Rogers, Smyth, Walworth, Wray, and Carleton, (Speaker.)

A motion was made by Mr. Mitchell, to strike out Iowa City, and insert Davenport.

Which was decided in the negative.

Yeas 9—Nays 16.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brierly, Grimes, Johnson, Mitchell, Robb, Roberts, Steele, Thompson, and Wilson.

Those who voted in the negative are,

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Fay, Foley, Hackleman, McCleary, Nowlin, Rogers, Smyth, Walworth, Wray, Wright, and Carleton, (Speaker.)

The question was then taken on concurring in the report of the Committee in striking out Fort Madison, and inserting Iowa City.

And was decided in the affirmative.

Yeas 15—Nays 10.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Borland, Brophy, Fay, Foley, Hackleman, Mitchell, McCleary, Nowlin, Rogers, Smyth, Walworth, Wray, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Brierly, Culbertson, Grimes, Johnson, Robb, Roberts, Steele, Thompson, Wilson, and Wright.

The question was then taken on the adoption of the following amendment, proposed by the Committee:

All free white male inhabitants, and foreigners, over the age of twenty-one years, who have declared their intentions of naturalization, and shall have resided six months in the Territory, shall be properly qualified as electors at the election for or against a State Government, and the election for delegates to a Convention to form a Constitution for a State Government; and also, for accepting or rejecting said Constitution, when submitted to the people.



And was decided in the affirmative.

Yeas 22—Nays 2.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Foley, Grimes, Hackleman, Johnson, McCleary, Nowlin, Roberts, Rogers, Smyth, Steele, Thompson Walworth, Wilson, Wray, Wright, and Carleton, (Speaker.)

Those voted in the negative are,

Messrs. Mitchell, and Robb.

On motion of Mr. Hackleman,

The House adjourned until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

Mr. Robb, from the Committee on Enrolled Bills, reported, that the Committee did, on the 29th inst., present to the Governor, for his approval,

An act to incorporate the Farmington Academy and High School.

An act to amend an act, entitled An act to incorporate the Farmers' Half-Breed Land Company of the county of Lee.

An act to incorporate the Common School Association of Henry county.

An act to authorize John O'Hara, his heirs and assigns, to establish and keep a Ferry across the Mississippi river at the town of Keokuk.

An act, donating certain property in Iowa City to the Mechanics' Mutual Aid Association.

A Joint Resolution, providing for the payment of Doolittle & Munson, for certain Seals.

A Joint Resolution, asking Congress for an appropriation to defray the expenses of a Treaty with the Pottowatomie Indians, &c.

Mr. Robb, from the Committee on Enrolled Bills, reported, that the Committee had examined

An act to incorporate the subscribers for erecting a Dam across the Muscatine Slough;

An act to incorporate the Iowa Botanic Medical Society;

An act to amend an act entitled An act to establish new counties, and define their boundaries, in the late cession from the Sac and Fox Indians, and for other purposes.

A Joint Resolution, asking Congress for the establishment of a Post Route, from Nauvoo to Montrose;

And found the same correctly enrolled.

The Speaker then signed said acts.

The House resumed the consideration of

No. 5, C. F. "A Bill to provide for the expression of the opinion of the people, relative to a State Government.

A motion was made by Mr. Grime, to strike out all after the 4th sec. of the bill.



Which was decided in the negative.

Yeas 9, Nays 15.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Bonney, Fay, Grimes, Mitchell, Robb, Steele, Thompson, Walworth, and Wilson.

Those who voted in the negative, are

Messrs. Baker, Brierly, Borland, Brophy, Culbertson, Foley, Hackleman, Johnson, McCleary, Nowlin, Roberts, Rogers, Smyth, Wright, and Carleton, (Speaker.)

A motion was made by Mr. Rogers, to so amend the bill, that the election for or against a State Government, should take place at the General Election, in August, instead of the Township election in April.

Which was decided in the negative.

Yeas 10, Nays 14.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Bonney, Fay, Grimes, Mitchell, Robb, Rogers, Steele, Thompson, Walworth, and Wilson.

Those who voted in the negative, are,

Messrs. Baker, Brierly, Borland, Brophy, Culbertson, Foley, Hackleman, Johnson, McCleary, Nowlin, Roberts, Smyth, Wright, and Carleton, (Speaker.)

A motion was made by Mr. Grimes, to refer the bill to a Select Committee, with instructions to so change it, as to provide for taking the sense of the people upon the question of State Government in August, instead of April.

A motion was made by Mr. Bonney, to strike out of the instructions the word August.

Which was agreed to.

Mr. Grimes then moved to fill the blank with the words "some later time."

Pending which,

A motion was made by Mr. Rogers, that the bill be referred to the Committee on the Judiciary, with instructions to so change it as to provide for taking the expression of the people relative to the formation of a State Government, on the first Monday of August next.

Which, having precedence,

The question was taken, and decided in the negative.

Yeas 9, Nays 15.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Fay, Grimes, Mitchell, Robb, Rogers, Steele, Thompson, Walworth, and Wilson.

Those who voted in the negative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Foley, Hackleman, Johnson, McCleary, Nowlin, Roberts, Smyth, Wright, and Carleton, (Speaker.)



The question was then taken on inserting the words "some later time," in the motion made by Mr. Grimes.

And was decided in the negative.

Yeas 10, Nays 14.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative, are

Messrs. Fay, Grimes, Mitchell, Robb, Rogers, Steele, Thompson, Walworth, Wilson, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Foley, Hackleman, Johnson, McCleary, Nowlin, Roberts, Smith, and Wright.

A motion was made by Mr. Bonney, to insert in said instructions the first Monday in July.

Which was decided in the negative.

Yeas 7, Nays 17.

The Yeas and Nays being demanded by members,

Those who voted in the affirmative, are

Messrs. Bonney, Grimes, Mitchell, Robb, Rogers, Walworth, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Baker, Brierly, Borland, Brophy, Culbertson, Fay, Foley, Hackleman, Johnson, McCleary, Nowlin, Roberts, Smyth, Steele, Thompson, Wilson, and Wright.

The question was then taken on referring the bill to a Select Committee without instructions;

And decided in the negative.

Yeas 8, Nays 16.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Grimes, Mitchell, Robb, Rogers, Steele, Thompson, Walworth, and Wilson.

Those who voted in the negative, are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Foley, Hackleman, Johnson, McCleary, Nowlin, Roberts, Smyth, Wright, and Carleton, (Speaker.)

A motion was made by Mr. Rogers, that the bill be indefinitely postponed.

Which was decided in the negative.

Yeas 8, Nays 16.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Grimes, Mitchell, Robb, Rogers, Steele, Thompson, Walworth, and Wilson.

Those who voted in the negative, are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Foley, Hackleman, Johnson, McCleary, Nowlin, Roberts, Smyth, Wright, and Carleton, (Speaker.)



Mr. Rogers made a motion to strike out the enacting clause, when, Mr. McCleary called for the previous question:

And the call being seconded by a majority of the members,  
The question was put, Shall the main question be now put?  
And was decided in the affirmative.

Yeas 15, Nays 9.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Brierly, Borland, Brophy, Culbertson, Fay, Foley, Hackleman, Johnson, McCleary, Nowlin, Roberts, Smyth, Thompson, and Wright.

Those who voted in the negative, are

Messrs. Bonney, Grimes, Mitchell, Robb, Rogers, Steele, Walworth, Wilson, and Carleton, (Speaker.)

The previous question then being put, Shall the bill be read a third time to-morrow?

It was decided in the affirmative.

Yeas 17—Nays 7.

The yeas and Nays being desired by two members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Foley, Hackleman, Johnson, McCleary, Nowlin, Roberts, Smyth, Thompson, Wright and Carleton (Speaker.)

Those who voted in the negative, are

Messrs. Grimes, Mitchell, Robb, Rogers, Steele, Walworth and Wilson.

No. 64, H. R. File, "A Bill to authorize the Territorial Agent to sell lots in Iowa City to discharge the debt due the Miners' Bank of Dubuque," was read a second time, and ordered to be engrossed and read a third time to-morrow.

No. 75, H. R. File "A Bill defining lawful fences," was taken up and,

On motion of Mr. Hackleman,

The consideration postponed until Monday next.

On motion of Mr. Hackleman,

The House adjourned until to-morrow morning at 9 o'clock.



**Thursday Morning, February 1, 1844.**

Mr. Bonney presented the petition of Edward T. Colton, and John R. Bowen, of Van Buren county, praying that they may have the privilege of raising their Dam in the Des Moines river, to the height of eight feet.

Which was referred to the Committee on Corporations.

Mr. Hackleman presented the account of Jones and Powell, for articles furnished the Legislative Assembly, amounting to \$420.64.

Which was referred to the Committee on Expenditures.

Mr. Rogers presented the petition of George W. Cummins, Sheriff of Dubuque county, praying the passage of an act, to compensate him for keeping prisoners in Jail.

Which was referred to the delegation from Dubuque county.

Mr. Fay, on leave, introduced

No. 113, H. R. File, "A Bill for the relief of William Parvin.

Mr. Johnson, on leave, introduced

No. 114, H. R. File, "A Bill supplemental to an act, relative to Mechanics' liens," and for other purposes.

Mr. Brierly from the Select Committee, appointed for that purposes, introduced

No. 115, H. R. File, "A Bill for the formation of the county of Jasper."

Mr. Walworth, on leave, introduced

No. 116, H. R. File, "A Bill to lay out and establish a Territorial Road, from Cedar Rapids, in Linn county, to the rapids on the Wappesipinicon in Buchanan county."

Mr. Wilson, from the Committee on Roads and Highways, introduced

No. 117, H. R. File, "A Bill to locate and establish a Territorial Road, from Brighton, in Washington county, to intersect the road from Mount Pleasant to Washington, in Washington county; also,

No. 118, H. R. File, "A Bill to locate a Territorial Road, from Deed's Mills, in Henry county, to Crippen's Mills in Washington county."

Mr. Grimes, on leave, introduced

No. 119, H. R. File, "A Bill amendatory of an act, entitled An act for the relief of the Poor, approved Feb. 16, 1842."

Said Bills were severally read a first time; and,

No. 114, was ordered to be printed.

Mr. Johnson from the Committee on Public Buildings, to whom was referred, the account of George Wein, for stone taken from land claimed by him, and used for the erection of the Capital, reported, that in



the opinion of the Committee, the account ought not to be allowed, from the fact, that the land was not owned by said Wein, but by the United States, the Committee would not however, sanction the taking of stone or timber, for public purposes, from the land claimed by any person, where it materially injured or lessened the value of such land, but in this case your Committee learn that no damage was done.

The report of the Committee was concurred in.

Mr. Thompson from the Committee on the Judiciary, reported back with sundry amendments.

No. 11, H. R. File, "A Bill to provide for assessing and collecting Public Revenue."

On motion of Mr. Fay,

Ordered, That 240 copies of the Bill be printed.

The following bills to wit:

No. 37, C. F. A Bill to locate a Territorial Road, from a certain point in Muscatine County therein named, to the rapids on Cedar river in Linn County.

No. 39, C. F. A Bill to incorporate the Board of Trustees, of the Congregational Church and Society of Burlington,

No. 38, C. F. A Bill to locate a Territorial Road, from the southern line of Davis County, to the Northern line of Wapello County.

No. 42, C. F. "A Bill to establish and locate a road, from John Scott's farm, on Nassau Island in Lee county, to intersect the road leading from Keokuk to Farmington, at or near the residence of Phineas Hunt."

Were severally read a first time.

No. 81, H. R. File, "A Bill to legalize the acts of James T. Harden, recorder of Jefferson county," as amended by the Council was concurred in.

No. 30, C. File, "A Bill to incorporate the Wappesipinicon Mill Company.

Being returned from the Council, with the following section added by the House disagreed to. To wit:

Sec. 7. Any future Legislature may alter amend or repeal this act.

A motion was made by Mr. Rogers, that the House insist upon its amendment.

Which was decided in the affirmative.

Yeas 13—Nays 10.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Bonney, Borland, Brophy, Culbertson, Fay, Foley, Hackleman Johnson, Nowlin, Rogers, Smyth, Thompson and Wright.

Those who voted in the negative are,

Messrs. Brierly, Grimes, Mitchell, McCleary, Robb, Roberts, Steele, Walworth, Wilson, and Carleton [Speaker.]

No. 21, C. F. "A Bill to incorporate the Toolesborough Manufacturing Company,"



Being returned from the Council with the amendment of the House disagreed to. To wit:

That any future Legislature may alter, amend, or repeal this act. A motion was made by Mr. Fay, that the House insist upon its amendment.

Which was decided in the negative.

Yeas 10—Nays 13.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,  
Messrs. Bonney, Borland, Brophy, Culbertson, Fay, Foley, Nowlin, Rogers, Smyth and Thompson.

Those who voted in the negative are,  
Messrs. Brierly, Grimes, Hackleman, Johnson, Mitchell, McCleary, Robb, Roberts, Steele, Walworth, Wilson, Wright, and Carleton (Speaker.)

No. 85, H. R. File, "Joint Resolution for the establishment of certain Post Routes," as amended by the Council, was concurred in.

No. 51, H. R. File, "A Bill relative to Religious Societies," as amended by the Council was concurred in.

No. 40, H. R. File, "A Bill vesting in married women all property acquired by them in their own right, either before or after marriage."

Was read a second time.

A motion was made by Mr. Mitchell, to strike out all after the enacting clause.

And decided in the affirmative.

Yeas 12—Nays 11.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,  
Messrs. Baker, Borland, Fay, Hackleman, Mitchell, Robb, Roberts, Smyth, Walworth, Wilson, Wright, and Carleton (Speaker.)

Those who voted in the negative are,  
Messrs. Brierly, Brophy, Culbertson, Foley, Grimes, Johnson, McCleary, Nowlin, Rogers, Steele, and Thompson.

A motion was made by Mr. Wilson, to strike out the enacting clause.

Which was agreed to.

No. 91, H. R. File, "A Bill supplemental to an act relative to proceedings in Chancery, approved, Jan. 23 1839."

Was read a second time.

And referred to the Committee on the Judiciary.

No. 94, H. R. File, "A Bill to amend an act entitled An act, regulating Mills and Millers, approved, Feb. 3, 1843."

Was read a second time.

And referred to a Committee of the Whole House, and made the order of the day to-morrow.

No. 95, H. R. File, "A Bill to amend an act entitled An act, to establish a Ferry across the Mississippi, approved Jan. 18, 1838."

No. 96, H. R. File, "A Bill to incorporate the Mount Pleasant Collegiate Institute."

No. 97, H. R. File, "A Memorial to Congress for a township of



land, for the Jackson County Academy."

No. 98, H. R. File, "A Bill to establish a Seminary of Learning, at De Witt, in Clinton county."

No. 99, H. R. File, "A Bill declaring a certain Road therein named a public Highway,"

No. 101, H. R. File, "A Bill to amend an act, entitled An act for the incorporation of the town of Farmington, approved Jan. 11th, 1841."

No. 103, H. R. File, "A Bill to authorize the payment of the expenses, of laying out a certain Territorial Road."

No. 104, H. R. File, "A Bill to amend an act, entitled An act to establish a Seminary of learning in Louisa county."

No. 105, H. R. File, "A Bill to locate a Territorial Road, from Iowa City, the seat of Justice of Mahaska county."

No. 106, H. R. File, "A Bill to locate and establish a Territorial Road from Fort Madison, in Lee county, to Salem, in Henry county."

No. 107, H. R. File, "A Bill to legalize the location of a Territorial Road, from Davenport to Bellview."

No. 109, H. R. File, "A Bill to lay out a Territorial Road, from Bennett's Mills, in Buchanan county, to or near Wm. Myers' in Dubuque county."

No. 110, H. R. File, "A Memorial to Congress, for the establishment of a Mail route, from Galena Ill. via Bellview, to Iowa City."

Said Bills were severally read a second time, and ordered to be engrossed and read a third time to-morrow.

No. 100, H. R. File, "A Bill for opening section lines."

Was read a second time; and,

On motion of Mr. McCleary,

Referred to a Committee of the Whole House, and made the order of the day for Wednesday next.

No. 102, H. R. File, "A Bill to establish the time of holding the District Courts, in the several Judicial Districts in this Territory."

Was read a second time, and,

Referred to to a Committee of the Whole House, for the consideration of the same.

And after sometime spent therein,

Mr. Speaker resumed the chair, and Mr. Robb reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same to the House with amendments, and ask its concurrence.

The report was concurred in.

On motion of Mr. Grimes,

Ordered, That the 42d. rule be suspended, and the bill be read a third time now.

The bill was read a third time and passed.

On motion of Mr. Nowlin,

The rules were for the time being suspended, and,

No. 78, H. R. File, "A Bill to organize the county of Delaware, and to provide for holding Court in the same."

Was taken from the table, and after being slightly amended.



Was read a third time and passed.

No. 108, H. R. File, "A Resolution requesting the survey of the Half Breed line."

Was read a second time, and,

On motion of Mr. Bonney,

Referred to the Committee on Territorial Affairs.

No. 111, H. R. File, "A Bill to provide for the payment of costs in certain cases."

Was read a second time, and,

On motion of Mr. Robb,

Referred to a Committee of the Whole House, and made the order of the day for Wednesday next.

No 7. C. F. "A Bill to incorporate the Iowa City Manufacturing Company."

Was read a second time, and,

On motion of Mr. Carleton,

The consideration was postponed until Monday next.

No. 15, C. F. "A Bill to encourage the destruction of Wolves."

Was read a second time, and,

On motion of Mr. Rogers,

Referred to a Committee of the Whole House, and made the order of the day for to-morrow.

No. 35, C. F. "A Bill to locate a Territorial Road from Iowaville in Van Buren county, to Autumwa in Wapello county;" also,

No. 36, C. F. "A Bill to locate a Territorial Road, from the old Indian boundary line, in Des Moines township in Jefferson county, to the seat of Justice of Mahaska county."

Were severally read a second time, and,

On motion of Mr. Culbertson,

Ordered to be read a third time to-morrow.

No. 34, H. R. File, "A Bill amendatory of an act entitled An act, to organize, discipline and govern the Militia of this Territory."

Was read a third time.

A motion was made by Mr. Baker, to refer the bill to a Select Committee of one, from each Judicial district, with instructions to so amend the bill, as to form a new division.

Which was decided in the negative. Yeas 9—Nays 15.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Foley, McCleary, Roberts, and Walworth.

Those who voted in the negative are,

Messrs. Brierly, Fay, Grimes, Hackleman, Johnson, Mitchell, Nowlin, Robb, Rogers, Smyth, Steele, Thompson, Wilson, Wright, and Carleton, (Speaker.)

A motion was made by Mr. Brophy, to indefinitely postpone the Bill.

Which was decided in the negative.



Yeas 8, Nays 16.

The Yeas and Nays being demanded by members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, McCleary, Steele, and Walworth.

Those who voted in the negative, are

Messrs. Brierly, Fay, Foley, Grimes, Hackleman, Johnson, Mitchell, Nowlin, Robb, Roberts, Rogers, Smyth, Thompson, Wilson, Wright and Carleton, (Speaker.)

The question was then put? shall the Bill pass?

It was passed in the affirmative.

Yeas 15—Nays 9.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Brierly, Fay, Foley, Grimes, Hackleman, Johnson, Mitchell, Nowlin, Robb, Rogers, Smyth, Thompson, Wilson, Wright and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, McCleary, Roberts, Steele, and Walworth.

So the Bill passed.

The following bills, to wit:

No. 54, H. R. File, "A Bill amendatory of an act, entitled an act, to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings."

No. 61, H. R. File, "A Bill for the improvement of Sheep."

No. 79, H. R. File, "A Bill to legalize the location of a Territorial Road, from Bellview to Iowa City."

No. 87, H. R. File, "A Bill for the relief of Rev. Isaac Searles, minister of the gospel."

No. 88, H. R. File, "A Bill to legalize the acts of Justices of the Peace, and Constables in certain cases."

Were severally read a third time and passed.

No. 92, H. R. File, "Joint Resolutions, relative to the repayment of the fine imposed upon Gen. Jackson."

Was read a read a third time,

And the question being put? shall the Resolutions pass?

They passed in the affirmative. Yeas 21, Nays 3.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Foley, Grimes, Hackleman, Johnson, McCleary, Nowlin, Roberts, Rogers, Smyth, Steele, Thompson, Walworth, Wright and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Mitchell, Robb, and Wilson.

No. 5, C. F. "A Bill to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation



of a State Constitution for the State of Iowa."

Was read a third time.

And the question being put, Shall the bill pass?

It passed in the affirmative.

Yeas 16—Nays 8.

The yeas and Nays being desired by two members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Hackleman, Johnson, McCleary, Nowlin, Roberts, Smyth, Wright and Carleton (Speaker.)

Those who voted in the negative, are

Messrs. Grimes, Mitchell, Robb, Rogers, Steele, Thompson, Walworth and Wilson.

So the Bill passed.

Ordered, That the Council be informed accordingly.

A Message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

The Council have passed

No. 29, C. F. "A Bill to incorporate the Dubuque Mining Company."

No. 32, C. F. "A Bill to allow John Godden and others of Van Buren county, further time to construct a Dam across the Des Moines river at Pittsburgh, in said county."

No. 40, C. F. "A Bill to amend an act entitled An act, to abolish imprisonment for debt, approved Feb. 8th. 1843."

No. 43, C. F. "A Memorial to Congress for an appropriation of land to complete the Iowa Penitentiary."

No. 44, C. F. "A Memorial to Congress, requiring the Governor and Secretary to keep their offices at Iowa City."

Also with amendments,

No. 58, H. R. File, "Joint Resolution providing for the publication of the laws."

No. 83, H. R. File, "A Memorial to Congress, asking for a donation of land, for the Iowa City College."

In all of which the concurrence of the House of Representatives is requested.

The Council have passed without amendment.

No. 55, H. R. File, "A Bill to incorporate the Grandview Literary and Philosophical Society of Louisa county; and,

No. 70, H. R. File, "A Bill to locate and establish a Territorial Road, from Brighton in Washington county, to the county seat of Mahaska county."

I herewith present for your signature.

An act to authorize Guy Wells, and James Wilson, to establish and keep a ferry, across the Mississippi river, at Fort Madison, in Lee county.

And then he withdrew.

The Speaker signed said act.

And then the House adjourned until to-morrow at 10 o'clock, A. M.



**Friday Morning, February 2, 1844.**

Mr. Grimes presented the petition of 150 citizens of Des Moines county, praying the incorporation of the "Jefferson Academy." Also, The petition of 21 citizens of Louisa county, on the same subject. Which were laid on the table.

Mr. Nowlin presented the petition of 52 citizens of Dubuque and Delaware counties, praying the location of a Territorial Road, from Delhi, in Delaware county, to Cascade, in Dubuque county.

Which was referred to the delegation from Dubuque county.

Mr. Rogers presented the petition of 60 citizens of Dubuque, Delaware, and Jones counties, praying that the Legislature memorialize Congress to have the mail carried from Dubuque to Iowa City, on the Military or Territorial Road, via Cascade, Fairview, and Ivanhoe, instead of Edinburg, Walnut Fork, Tipton, and Cedar river.

Which was referred to the delegation from Dubuque, Cedar, Jones, and Linn counties.

Mr. Johnson gave notice, that he would, on to-morrow, introduce A bill to amend An act for the organization of townships, approved Feb. 17, 1842.

On motion of Mr. Grimes,

The rules of the House were for the time being suspended, when he introduced,

No. 120, H. R. File, "A Bill to incorporate the Jefferson Academy,"

Which was read a first, second, and third time, and passed.

Mr. Grimes, from the Committee on the Judiciary, reported back, with amendments,

No. 91, H. R. File, "A Bill amendatory to an act entitled An act relative to proceedings in Chancery, approved Jan. 23, 1839."

Which were read a first time.

Mr. Baker, from the Select Committee, appointed on the subject, reported

No. 121, H. R. File, "A Bill to vacate a part of the town of Solon, in Johnson county.

Mr. Robb, on leave, introduced

No. 122, H. R. File, "A Bill to authorize the County Commissioners of the county of Henry to vacate a part of Webster street, in the town of Mount Pleasant, in said county.

Mr. Grimes, from the Committee on the Judiciary, reported,

No. 123, H. R. File, "A Bill to repeal certain acts herein named.

Mr. Rogers, on leave, introduced

No. 124, H. R. File, "A Bill for the relief of George W. Cummins."

Said bills were severally read a first time.



Mr. Rogers, from the Committee on Territorial Affairs, reported back, without amendment,

No. 108, H. R. File, "A Resolution, requesting the survey of the Half-Breed line.

Mr. Walworth, from the Committee on Engrossed Bills, reported, that they had examined

Nos. 64, 98, and 101, H. R. File, and found the same correctly engrossed.

Mr. Robb, from the Committee on Enrolled Bills, reported that they had examined

An act to amend an act, entitled An act for the election of Constables, and defining their duties.

An act to incorporate the Dubuque, Clayton, Delaware, and Jackson Mutual Fire Insurance Company,

And found the same correctly enrolled.

The Speaker signed said acts.

No. 58, H. R. File, "A Joint Resolution, providing for the publication of the laws," being returned from the Council with an amendment, "requiring the Secretary of the Territory to receive proposals for the printing of the laws, and to employ the lowest bidder."

A motion was made by Mr. Johnson, that the House disagree to said amendment;

Which was decided in the affirmative.

Yeas 23, Nays 2.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Foley, Grimes, Hackleman, Johnson, McCleary, Nowlin, Robb, Roberts, Rogers, Smyth, Steele, Thompson, Wilson, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are,

Messrs. Mitchell, and Walworth.

No. 83, H. R. File, "A Memorial to Congress, asking for a donation of land for the Iowa City College," as amended by the Council, was concurred in.

The following bills, to wit:

No. 29, C. F. "A Bill to incorporate the Dubuque Mining Company."

No. 32, C. F. "A Bill to allow John Godden and others, of Van Buren county, further time to construct a Dam across the Des Moines river, in said county."

No. 40, C. F. "A Bill to amend an act, entitled An act to abolish imprisonment for debt."

No. 43, C. F. "A Memorial to Congress, for an appropriation of land to complete the Iowa Penitentiary;"

No. 44, C. F. "A Memorial to Congress, requiring to Governor and Secretary to keep their offices at Iowa City;"

Were severally read a first time.

No. 89, H. R. File, "A Bill regulating Marriages, and abolishing licenses therefor,"



Being the order of the day, was referred to a Committee of the Whole House for the consideration of the same.

And after sometime spent therein, Mr. Speaker resumed the Chair, and Mr. Smyth reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments.

And then the House adjourned until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

The House resumed the consideration of No. 89, H. R. File, and concurred in the amendments made by the Committee of the Whole House at the morning session.

A motion was made by Mr. Wilson, to refer the bill to a Select Committee, which was decided in the negative.

The question was then taken on the engrossment of the bill, and was decided in the affirmative.

Yeas 15, Nays 9.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Brophy, Culbertson, Fay, Hackleman, Johnson, McCleary, Roberts, Rogers, Smyth, Thompson, Wray, and Wright.

Those who voted in the negative are,

Messrs. Foley, Grimes, Michell, Nowlin, Robb, Steele, Walworth, Wilson, and Carleton, (Speaker.)

No. 15, C. F. "A Bill to encourage the destruction of Wolves,"

Being the order of the day, was referred to a Committee of the Whole House for the consideration of the same.

And after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Steele reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments.

The House concurred in the report of the Committee.

A motion was made by Mr. Baker, to add the following to the first section:

"Except the counties of Keokuk, Mahaska, Wapello, Davis, and Delaware, which shall be required to pay one-half the amount aforesaid."

A motion was made by Mr. Brophy, to include the county of Clinton. Which was decided in the negative.

Yeas 8—Nays 17.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Borland, Brophy, Foley, Nowlin, Roberts, and Rogers.

Those voted in the negative are,

Messrs. Bonney, Culbertson, Fay, Grimes, Hackleman, Johnson,



Mitchell, McCleary, Robb, Smyth, Steele, Thompson, Walworth, Wilson, Wray, Wright, and Carleton, (Speaker.)

The question was then taken on the amendment of Mr. Baker, and decided in the affirmative.

Yeas 16—Nays 9.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Borland, Brophy, Culbertson, Foley, Johnson, McCleary, Nowlin, Roberts, Rogers, Smyth, Steele, Thompson, Walworth, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Bonney, Fay, Grimes, Hackleman, Mitchell, Robb, Wilson, Wray, and Wright.

A motion was made by Mr. Rogers, to strike out the words "and required," which makes it imperative on the County Commissioners to offer a reward for the killing of wolves.

And was decided in the negative.

Yeas 7, Nays 18.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Bonney, Brierly, Borland, Brophy, Culbertson, Nowlin, and Rogers.

Those who voted in the negative, are

Messrs. Baker, Fay, Foley, Grimes, Hackleman, Johnson, Mitchell, McCleary, Robb, Roberts, Smyth, Steele, Thompson, Walworth, Wilson, Wray, Wright, and Carleton, (Speaker.)

A motion was made by Mr. Rogers, to so amend the bill as to fix the rewards at one-half the amount proposed.

Which was decided in the negative.

Yeas 11, Nays 14.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Foley, Mitchell, Nowlin, Rogers, and Wray.

Those who voted in the negative are

Messrs. Fay, Grimes, Hackleman, Johnson, McCleary, Robb, Roberts, Smyth, Steele, Thompson, Walworth, Wilson, Wright, and Carleton, (Speaker.)

A motion was made by Mr. Brophy, to strike out the enacting clause of the bill.

Which was decided in the negative.

Yeas 4, Nays 21.

The yeas and Nays being desired by two members,

Those who voted in the affirmative, are

Messrs. Bonney, Borland, Brophy, and Culbertson.

Those who voted in the negative, are

Messrs. Baker, Brierly, Fay, Foley, Grimes, Hackleman, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Rogers, Smyth, Steele,



Thompson, Walworth, Wilson, Wray, Wright, and Carleton, (Speaker.)

The bill was then ordered to be read a third time to-morrow.

No. 112, H. R. File, "A Bill to abolish imprisonment for debt," was read a 2d time, and,

On motion of Mr Mitchell,

Postponed until Monday next.

No. 113, H. R. File, "A Bill for the relief of Wm. Parvin, was read a second time, and,

On motion of Mr. Fay,

The 42d rule was suspended, and the bill read a third time, and passed.

No. 114, H. R. File, "A Bill supplemental to an act entitled an Act relative Mechanics' Liens, and for other purposes,"

Was read a second time, and referred to a Committee of the Whole House, and made the order of the day to-morrow.

No. 115, H. R. file, "A Bill to organize the county of Jasper, was read a second time, and,

On motion of Mr. Bonney,

Referred to a Select Committee, viz:

Messrs. Brierly, Roberts, Steele, Robb, Hackleman, and McCleary.

The following bills, to wit:

No. 116, H. R. File, "A Bill to lay out and establish a Territorial Road from the Cedar Rapids, in Linn county, to the Rapids on the Wappesipinicon, in Buchanan county;"

No. 117, H. R. File, "A Bill to locate and establish a Territorial Road, from Brighton, in Washington county, to intersect the road from Mount Pleasant, to Washington, in Washington county.

No. 118, H. R. File, "A Bill to locate a Territorial Road from Deeds' Mill, in Henry county, to Crippen's Mills, in Washington county."

No. 119, H. R. File, "A Bill amendatory of an act, entitled an act for the relief of the Poor;"

Were severally read a second time, and ordered to be engrossed and read a third time to-morrow.

The following bills, to wit:

No. 37, C. F. "A Bill to locate a Territorial Road from a certain point in Muscatine county, therein named, to the rapids, on Cedar River, in Linn county."

No. 38. C. F. A Bill to locate a Territorial Road, from the southern line of Davis County, to the Northern line of Wapello County.

No. 39, C. F. A Bill to incorporate the Board of Trustees, of the Congregational Church and Society of Burlington,

No. 42. C. F. "A Bill to establish and locate a road, from John Scott's farm, on Nassau Island in Lee county, to intersect the road leading from Keokuk to Farmington.

Were severally read a 2d time, and ordered to be read a third time to-morrow.

The following bills, to wit:



No. 35, C. F. "A Bill to locate a Territorial Road from Iowaville in Van Buren county, to Autumwa, in Wapello county"

No. 36, C. F. "A Bill to locate a Territorial Road, from the old Indian boundary line, in Des Moines township in Jefferson county, via Agency City, to the seat of Justice of Mahaska county."

No. 98, H. R. File, "A Bill to establish a Seminary of Learning, at De Witt, in Clinton county."

No. 101, H. R. File, "A Bill to amend an act, entitled An act for the incorporation of the town of Farmington,"

Were severally read a third time, and passed.

Ordered, That the Council be informed accordingly.

No. 64, H. R. File, "A Bill authorizing the Territorial Agent to sell lots in Iowa City, to discharge the debt due the Miners' Bank of Dubuque;"

Was read a third time, and,

On motion of Mr. Rogers,

Laid on the table.

Mr. Thompson, on leave, introduced,

No. 125, H. R. File, "A Bill to incorporate the Mount Pleasant Lyceum,"

Which was read a first time.

A Message from the Council, by Mr. Wallace, their Secretary:

MR. SPEAKER:

I am directed to inform the House, that the Council insist upon their amendment to

No. 58, H. R. File, "A Joint Resolution, providing for the publication of the laws."

And have appointed Messrs. Elbert and Harris a Committee of Conference in relation thereto.

And then he withdrew.

On motion of Mr. Hackleman,

Ordered, That a Committee of Conference be appointed on the part of the House.

Messrs. Hackleman and Rogers were accordingly appointed.

On motion of Mr. McCleary,

No. 57, H. R. File, "A Bill to authorize the administrators of John Jones, deceased, to make a title to certain real estate in Grandview, Louisa county,"

Was taken from the table.

And the question being put,

Shall the bill be engrossed and read a third time to-morrow.

It was decided in the affirmative.

Yeas 19, Nays 6.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Brierly, Culbertson, Fay, Foley, Hackleman, Johnson, McCleary, Robb, Roberts, Smyth, Steele, Thompson, Walworth, Wilson, Wray, Wright, and Carleton, (Speaker.)



Those who voted in the negative, are

Messrs. Bonney, Brophy, Grimes, Mitchell, Nowlin, and Rogers.

Mr. Walworth, from the Committee on Engrossed Bills, reported, that they had examined Nos. 95, 96, 97, 99, 103, 105, 106, 107, 109, 110, and found the same correctly engrossed.

On motion of Mr. Wilson,

Ordered, That the House do now adjourn until to-morrow morning at 10 o'clock.

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**Saturday Morning, February 3, 1844.**

Mr. Baker gave notice, that he would on Monday next, introduce A Bill to amend the Militia law, so as to form a fourth Division.

Mr. Culbertson gave notice, that he would, on Monday next, introduce

A Bill to establish a fourth Judicial District.

Mr. McCleary gave notice, that he would, some day during the present session, ask leave to introduce

A Bill to perfect the collection of taxes in Louisa county.

Mr. Grimes, from the Committee on Corporations, reported

No. 126, H. R. File, "A Bill authorizing the raising of Dams on the Des Moines river."

Mr. Rogers, from the Select Committee to which the subject was referred, reported

No. 127, H. R. File, "A Resolution relative to a change of the Mail Route, from Iowa City to Dubuque."

Mr. Grimes from the Committee on the Judiciary, reported

No. 128, H. R. File, "A Bill amendatory of an act, entitled An act, regulating Conveyances, approved Feb. 16, 1843."

Mr. Nowlin on leave, introduced

No. 129, H. R. File, "A Bill to lay out a Territorial Road, from Delhi in Delaware county, to Cascade in Dubuque county."

Mr. Johnson on leave, introduced

No. 130, H. R. File, "A Bill to amend an act, for the organization of townships, approved Feb. 17, 1842."

Which was read a first time.

Mr. Robb from the Select Committee to which was referred, the petition of George Andrews, submitted a report in relation thereto.

Which was read as follows:

The Select Committee to which was referred the Memorial of George Andrews, ask leave to submit the following report:

Your Committee are satisfied from an examination of the case that the memorialist purchased the lots described in his memorial, under



an impression that the mineral spring, adjacent to said lots was public property, and that this impression was made on his mind, by the map or plat of Iowa City, exhibited in the office of the Territorial Agent, on which, said spring was marked as a reserve. Your Committee are also satisfied from an examination of other persons who resided in Iowa City at the date of the sale, that the opinion was general at that time that said spring was public property, and that this opinion was created by the map or plat above referred to. It seems however, that another and older plat was on record, which was not exhibited in the office, and which represented said spring as it really is, private property. Your Committee are satisfied that owing to this impression, the memorialist was induced to give more for said lots than their appraised value, and that his prayer for relief is reasonable and ought to be granted; and ask leave to report the following entitled bill.

No. 131, H. R. File, "A Bill for the relief of George Andrews."

Said bill was read a first time

Mr. Walworth from the Committee on engrossed Bills, reported, that they had examined, Nos. 57, 89, 104, 116, 118 and 119, H. R. File, and found the same correctly engrossed.

Mr. Hackleman, from the Committee of Conference, appointed relative to the disagreeing vote of the two Houses, on

No. 58 H. R. File, "A Joint Resolution, relative to the printing of the laws of the present session,"

Reported, that the Committee, had had the same under consideration, and directed him to recommend, that the House insist upon its disagreement to the amendment of the Council.

The report of the Committee was concurred in.

Mr. Thompson, from the Committee on the Judiciary, reported back with amendments,

No. 77, H. R. File, "A Bill for an act amendatory of An act, subjecting real and personal estate to execution,

Which were read a first time.

Mr. Robb from the Committee on Enrolled Bills, reported

That they had examined,

An act to incorporate the Jefferson Academy.

An act to legalize the acts of James T. Harden, Deputy Recorder of Jefferson county.

An act to incorporate the Grandview Literary and Philosophical Society.

Joint Resolutions for the establishment of certain Post Routes.

An act to locate and establish a Territorial Road, from Brighton in Washington county, to the county seat of Mahaska county.

An act relative to Religious Societies.

And found the same correctly enrolled.

The Speaker then signed said acts.

No. 114, H. R. File, "A Bill supplemental to an act, entitled an act, relative to Mechanics' Liens, and for other purposes, being the order of the day, was referred to a Committee of the Whole House for the con-



sideration of the same.

And after some time spent therein,

Mr. Speaker resumed the chair, and Mr. Wright reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same to the House without amendment.

On motion the Bill was referred to a Select Committee, viz:

Messrs. Johnson, Robb and Mitchell.

The following Bills, to wit:

No. 91, H. R. File, "A Bill amendatory to an act entitled An act relative to proceedings in Chancery."

No. 121, H. R. File, "A Bill to vacate a part of the town of Solon, in Johnson county.

No. 122, H. R. File, "A Bill to authorize the County Commissioners of the county of Henry to vacate a part of Webster-street, in the town of Mount Pleasant, in said county.

No. 123, H. R. File, "A Bill to repeal certain acts herein named.

No. 124, H. R. File, "A Bill for the relief of George W. Cummins."

No. 125, H. R. File, "A Bill to incorporate the Mount Pleasant Lyceum."

Were severally read a second time; and,

Ordered to be engrossed and read a third time, on Monday next.

The following bills, to wit:

No. 29, C. F. "A Bill to incorporate the Dubuque Mining Company."

No. 32, C. F. "A Bill to allow John Godden and others of Van Buren county, further time to construct a Dam across the Des Moines river, at Pittsburg, in said county.

No. 43, C. F. "A Memorial to Congress, for an appropriation of land to complete the Iowa Penitentiary,"

Were severally read a second time, and ordered to be read a third time on Monday next.

No. 108, H. R. File, "A Resolution, requesting the survey of the Half-Breed Line."

No. 40, C. F. "A Bill to amend an act entitled an Act to abolish imprisonment for debt,"

Were severally read a second time, and ordered to lie on the table.

No. 44, C. F. "A Memorial to Congress, requiring the Governor and Secretary to keep their offices at Iowa City,"

Was read a second time.

A motion was made by Mr. Grimes, to lay the Memorial on the table;

Which was decided in the negative.

Yeas 9—Nays 13.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Brierly, Grimes, Johnson, Robb, Rogers, Steele, Thompson, Wilson, and Wright.

Those who voted in the negative are,

Messrs. Bonney, Borland, Brophy, Culbertson, Hackleman, Mitchell, McCleary, Nowlin, Smyth, Wray, and Carleton (Speaker.)



A motion was made by Mr. Foley, that the 42d rule be suspended, in order that the Memorial might be read a third time now.

Which was decided in the negative.

Yeas 9—Nays 13.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,  
Messrs. Brophy, Culbertson, Fay, Foley, McCleary, Nowlin, Smyth, Wray, and Carleton, (Speaker.)

Those who voted in the negative are,  
Messrs. Bonney, Brierly, Borland, Grimes, Hackleman, Johnson, Mitchell, Robb, Rogers, Steele, Thompson, Wilson, and Wright.

The question was then put,

Shall the Memorial be read a third time on Monday next.

And was decided in the affirmative.

Yeas 13—Nays 9.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,  
Messrs. Bonney, Borland, Brophy, Culbertson, Fay, Foley, Mitchell, McCleary, Nowlin, Rogers, Smyth, Wray, and Carleton (Speaker.)

Those who voted in the negative are,  
Messrs. Brierly, Grimes, Hackleman, Johnson, Robb, Steele, Thompson, Wilson, and Wright.

The following bills, to wit:

No. 95, H. R. File, "A Bill to amend an act entitled an Act to establish a Ferry across the Mississippi river, approved Jan. 18, 1838."

No. 96, H. R. File, "A Bill to incorporate the Mount Pleasant Collegiate Institute."

No. 97, H. R. File, "A Memorial to Congress, for a township of land for the Jackson County Academy."

No. 99, H. R. File, "A Bill declaring a certain road, therein named a public highway."

No. 103, H. R. File, "A Bill to authorize the payment of the expenses of laying out a certain Territorial Road."

No. 105, H. R. File, "A Bill to locate a Territorial Road from Iowa City, to the seat of Justice of Mahaska county."

No. 106, H. R. File, "A Bill to locate and establish a Territorial Road from Fort Madison, in Lee county, to Salem, in Henry county."

No. 107, H. R. File, "A Bill to legalize the location of a Territorial Road, from Davenport to Bellview."

No. 109, H. R. File, "A Bill to lay out a Territorial Road, from Bennett's Mills, in Buchanan county, to or near Wm. Myers' in Dubuque county."

No. 104, H. R. File, "A Bill to amend an act, entitled An act to establish a Seminary of learning in Louisa county."

No. 110, H. R. File, "A Memorial to Congress, for the establishment of a Mail route, from Galena, Ill. via Bellview, to Iowa City."

No. 116, H. R. File, "A Bill to establish a Territorial Road from



the Cedar Rapids, in Linn county, to the Rapids on the Wappesipinicon, in Buchanan county."

No. 118, H. R. File, "A Bill to locate a Territorial Road from Deeds' Mill, in Jefferson county, to Crippens' Mill, in Washington county."

No. 119, H. R. File, "A Bill amendatory of an act, entitled an Act for the relief of the Poor, approved Feb. 16, 1842."

No. 15, C. F. "A Bill to encourage the destruction of Wolves."

No. 37, C. F. "A Bill to locate a Territorial Road from a certain point, in Muscatine county, to the Rapids on Cedar river, in Linn county."

No. 38, C. F. "A Bill to locate a Territorial Road from the southern line of Davis county, to the northern line of Wapello county."

No. 39, C. F. "A Bill to incorporate the Board of Trustees of the Congregational Church and Society of Burlington."

No. 42, C. F. "A Bill to locate a Road from John Scott's farm, on Nassau Island, in Lee county, to intersect the road leading from Keokuk to Farmington;"

Were severally read a third time, and passed.

Ordered, That the Council be informed accordingly.

No. 57, H. R. File, "A Bill to authorize the administrators of John Jones, deceased, to make a title to certain real estate,"

Was read a third time.

And the question being put,

Shall the bill pass?

It passed in the affirmative.

Yeas 16, Nays 7.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Brierly, Borland, Culbertson, Fay, Foley, Hackleman, Johnson, McCleary, Robb, Smyth, Steele, Thompson, Wilson, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Bonney, Brophy, Grimes, Mitchell, Nowlin, Rogers, and Walworth.

No. 89, H. R. File, "A Bill regulating Marriages, and abolishing licenses therefor;"

Was read a third time.

A motion was made by Mr. Grimes, that the bill be referred to a Select Committee.

And was decided in the affirmative.

Yeas 13—Nays 11.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brierly, Foley, Grimes, Johnson, Mitchell, Nowlin, Robb, Smyth, Steele, Walworth, Wilson, Wray, and Carleton (Speaker.)

Those who voted in the negative are,

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Fay, Hackleman, McCleary, Rogers, Thompson, and Wright.



So the bill was committed to a Select Committee, viz: Messrs. Grimes, Thompson, Baker, Foley, McCleary, Nowlin, and Bonney.

A Message from the Council, by Mr. Wallace, their Secretary:

MR. SPEAKER:

The Council have passed

No. 47, C. F. "Joint Resolution, relative to the University Lands of Iowa Territory."

No. 120, H. R. File, "An act to incorporate the Jefferson Academy."

I herewith return

An act to establish a Territorial Road from Iowaville, on the Des Moines river, to the Missouri line, at the point where the Mormon trace crosses said line.

An act to amend an act entitled 'An act for the election of Constables and defining their duties, approved Jan. 24, 1839.'

An act for the relief of Malcolm Murray, late of the firm of Murray and Sanxey.

An act to allow Avery Thomas to change his name.

An act to amend an act entitled 'An act to establish new counties and define their boundaries, in the cession from the Sac and Fox Indians, and for other purposes, approved Feb. 17, 1843.'

An act to extend the Territorial Road from Mt. Pleasant to the Indian boundary line, via Autumwa, Eddysville, to Lake Prairie, opposite the mouth of White-breast, in the county of Mahaska.

An act to organize the counties of Keokuk and Mahaska.

An act to locate a Territorial Road from Davenport to Iowa City.

An act to incorporate the Dubuque, Clayton, Delaware, and Jackson Mutual Fire Insurance Company.

An act to incorporate the subscribers for erecting a Dam across the Muscatine Slough.

An Act to incorporate the Iowa Botanic Medical Society.

Joint Resolution, asking Congress for the establishment of a Post Route from Nauvoo to Montrose.

Memorial to Congress, relative to granting the right of pre-emption to unsurveyed lands; and

Memorial to Congress, asking for an appropriation to pay the debts of previous Legislatures.

All of which have been signed by the President of the Council.

I am directed to inform the House, that the Council have disagreed to the report of the Committee of Conference, relative to the disagreeing vote of the two Houses upon

No. 58, H. R. File, "A Joint Resolution, providing for the publication of the laws."

The Council have disagreed to the 1st and 2d amendments, and the amendment to the 14th section of

No. 5, C. File, "A Bill to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State Constitution for the State of Iowa, and have agreed to the amendments to the 5th and 7th sections of said bill."



And the he withdrew.

On motion of Mr. Fay,

Ordered, That the House do now adjourn until Monday morning at 10 o'clock.

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**Monday Morning, February 5, 1844.**

Mr. Wilson presented the petition of 68 citizens of Henry county, praying for the location of a Territorial Road, from Mount Pleasant in Henry county, via. Wilson's Mill and Watson's Mill, to Glasgow in Jefferson county.

Which was referred to the delegations from Henry and Jefferson counties.

The Speaker presented the petition of 89 citizens of Johnson county, praying the Legislative Assembly, to grant to the Iowa City Manufacturing Company a charter without attaching a repealing clause thereto; which was laid on the table.

On motion of Mr. Walworth,

Resolved, That Edmund Booth, be employed to assist the Clerks of this House, in enrolling and engrossing bills until the close of the session.

On motion of Mr. Wilson,

Resolved, That the Clerks, Sergeant-At-Arms, Messenger, and Fireman, each be allowed the sum of three dollars per day, for their services during the present session.

A Message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

The Council have passed.

No. 48, C. F. "A Bill to amend certain acts relating to Roads and Highways.

No. 50, C. F. "A Bill to revive an act entitled an act, to review and establish a part of a Territorial Road, leading from Fort Madison, in Lee county, to Iowaville in Van Buren county."

No. 51, C. F. "A Bill to amend an act entitled an act, concerning costs and fees." Also, with amendments,

No. 102, H. R. File, "A Bill to establish the time of holding the District Courts in the several Judicial Districts in this Territory."

In which the concurrence of the House is requested.

The Council have passed without amendment,

No. 61, H. R. File, "A Bill for the improvement of Sheep."

No. 78, H. R. File, "A Bill to organize the county of Delaware, and to provide for holding Court in the same."

No. 86, H. R. File, "A Bill to amend an act entitled an act, to amend an



act entitled an act, for the incorporation of the town of Mt. Pleasant, in Henry county."

No. 87, H. R. File, "An act for the relief of Rev. Isaac Searles, minister of the gospel."

No. 113, H. R. File, "A Bill for the relief of Wm. Parvin."

The Council have concurred in the amendment of the House, to the amendment of the Council, to,

No. 31, H. R. File, "A Bill defining the Jurisdiction of the Supreme Court, and regulating the practice therein."

And then he withdrew.

Mr. McCleary on leave, introduced

No. 132, H. R. File, "A Bill to perfect the collection of taxes in Louisa county."

Which was read a first time.

On motion of Mr. McCleary,

The 42d rule was suspended, and the bill read a second time, and ordered to be engrossed and read a third time to-morrow.

Mr. Brierly from the Select Committee, to which the subject was referred, reported without amendment.

No. 115, H. R. file, "A Bill to organize the county of Jasper," accompanied by the following report.

Which was read.

The Committee, to whom was referred the petitions of the citizens of the county of Lee, asking for a division of said county, together with the remonstrance against the same, beg leave to report.

That they have had the same under consideration, and after carefully comparing and examining the same, find that there are twelve hundred and fifty for a division, and one thousand and eighty-one remonstrating against it—which leaves a majority, taking them all as they appear on their face, of a hundred and sixty-nine for a division of said county.

There are many names, no doubt, on both the petitions and remonstrances, which are spurious, and are unknown to your Committee; but your Committee feel justified in stating, that they are well acquainted with a large majority of all the person's names that appear on the petitions for a division; whilst a large majority on the remonstrance are unknown to your Committee. Your Committee, however, have taken the pains for the purpose of placing this matter fully and fairly before the Legislature, in order to ascertain what number of names appear on both petitions; they have not been able to find but one hundred, sixty of which have since signed the petitions for division, and request their names to be taken off the remonstrance.

Your Committee will state, in relation to the persons which have signed both the petition and remonstrance, that the remonstrance appears to have circulated about the first of January, and that they were influenced to sign the remonstrance through misrepresentation; but so soon as the matter was understood, they signed the petition for a division since they signed the remonstrance against it. The petition which



more person's names appear on, is dated the twenty-fourth day of January. So it appears evident that those remonstrances were brought to the Legislature before the petition was circulated. Your Committee have received instructions from these persons, in relation to their wishes on this subject. We are informed, directly by them, that they are in favor of a division, and they wish their names taken from the remonstrance and placed on the petitions for division. Therefore, your Committee feel themselves, in duty, bound to take the last act of those persons; in doing this, it swells the majority for a division to two hundred and nine. There can be no doubt but what there are some on both which are spurious. But any attempts to strike off one and not the other, would be unjust. It appears evident that the petitions and remonstrances are about equal in point of illegal signers; consequently, the attempt to strike off those names which might be thought spurious, would not change the majority in the slightest degree; there are some aliens on both of them, which your Committee have seen fit to leave on, inasmuch as many of them are among the most worthy portion of the citizens of that county; and many have filed their intentions to become naturalized. In fact, your Committee have been unable, as yet to find any law which would debar them of the right of petition. Upon examination of the Assessment Roll which was brought, your Committee are constrained to say, though with reluctance, that the Assessor of that county must have been negligent and careless as to the duties involved upon him, from this fact, the chairman of your Committee lives in the same neighborhood that the Assessor does, and he has been able to find that there are a great many persons in that immediate neighborhood whose names do not appear on that roll, who are lawful voters; it also appears that there have been many names inserted in the Roll since the assessment took place. All the names that appear to have been inserted as above, are signed with blue ink, and in a different handwrit. One remarkable feature in this Roll is, that all these townships which have remonstrated against division, are filled in as above stated, and all that went in favor of division are not filled in at all. They have also found, upon a careful examination, that, taking the roll as it stands, and make it a criterion to be governed by, there is still a majority of one hundred in favor of a division, and a clear majority, including those filled in with blue ink. It is well known that there is a great effort making to defeat the division of that county, and that these persons are endeavoring to throw every obstacle in the way for the purpose of thwarting the designs of the petitioners.

Your Committee regret that this question has been brought before the Legislature this present session, and did vain hope that all petitions would be withheld; but under the circumstances which are now before your Committee, they feel, in duty, bound to use all honorable means to divide the county; and from the facts that are now before us, it is evident that that county will never be in peace until it does take place; and if it should fail at this session, it is evident the matter will be agitated again, and will and must take place in the end.



Mr. Walworth, from the Committee on Engrossed Bills, reported, that they had examined Nos. 117, 121, 122, 123, 124, and 125, and found the same correctly engrossed.

M. Foley on leave, introduced

No. 133, H. R. File, "A Bill to incorporate the Washington Lyceum of Jackson county."

Was read a first time.

No. 5. C. F. "A Bill to provide for the expression of the people of the Territory of Iowa, upon the subject of the formation of a State Constitution,"

Being returned from the Council, with the following amendment, made by the House disagreed to, to wit:

All free white male inhabitants, and Foreigners over the age of twenty one years, who have declared their intentions of naturalization, and shall have resided six months in the Territory, shall be properly qualified as electors at the election for or against a State Government, at the election for delegates to a Convention to form a constitution for a State Government, and also for accepting or rejecting said Constitution when submitted to the people.

A motion was made by Mr. Foley, that the House do recede from said amendment.

Which was decided in the affirmative.

Yeas 15—Nays 9.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Borland, Brophy, Culbertson, Foley, Johnson, McCleary, Nowlin, Robb, Roberts, Smyth, Wray, Wright and Carleton (Speaker.)

Those who voted in the negative are,

Messrs. Bonney, Fay, Grimes, Hackleman, Hebard, Mitchell, Rogers, Steele, and Wilson.

No. 58 H. R. File, "A Joint Resolution, providing for the publication of the laws."

Being returned from the Council, with the report of the Committee of Conference, in relation thereto disagreed to.

A motion was made by Mr. Hackleman, that the House do adhere to its disagreement, to the amendment of the Council.

Which was decided in the affirmative.

On motion of Mr. McCleary,

Ordered, That a second Committee of Conference be appointed.

Whereupon Messrs. McCleary and Grimes were appointed said Committee.

The following bills, to wit:

No. 47, C. F. Joint Resolutions, relative to the University Lands of Iowa Territory."

No. 48, C. F. "A Bill to amend certain acts relating to Roads and Highways."

No. 50, C. F. "A Bill to revive an act entitled an act, to review and



establish a part of a Territorial Road leading from Fort Madison in Lee county, to Iowaville in Van Buren county."

No. 51, C. F. "A Bill to amend an act entitled an act, concerning costs and fees.

Were severally read a first time.

No. 102, H. R. File, "A Bill to establish the time of holding the District Courts, in the several Judicial Districts in this Territory."

As amended by the Council was concurred in.

No. 75, H. R. File, "A Bill to define lawful fences, and restrain trespassing animals."

Being the order of the day, was referred to a Committee of the Whole House, for the consideration of the same.

And after some time spent therein,

Mr. Speaker resumed the chair, and Mr. Fay reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same to the House with amendments.

And the question being on concurring in the amendment of the Committee, in striking out the words "fifty cents," and inserting the words "seventy five cents," in lieu thereof, as the compensation of the fence viewers per day.

A motion was made by Mr. Baker, to amend the amendment, by adding "and thirty seven and one half cents per half day,"

Which was not agreed to.

The question was then taken on striking out "fifty cents," and inserting "seventy five cents."

And was decided in the negative.

Yeas 12, Nays 12.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Brierly, Borland, Fay, Foley, Mitchell Robb, Steele, Walworth, Wilson, Wray, and Wright.

Those who voted in the negative, are

Messrs. Bonney, Brophy, Culbertson, Hackleman, Hebard, Johnson, McCleary, Nowlin, Roberts, Rogers, Smyth, and Carleton, (Speaker.)

A motion was made by Mr. Rogers, to strike out the following words.

"And if the said animal or animals, continue to trespass afterwards, they shall be forfeited to the person upon whose field or enclosures, the trespass shall continue to be made."

Which was decided in the affirmative.

Yeas 18—Nays 7.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Fay, Foley, Grimes, Johnson, Mitchell, McCleary, Nowlin, Roberts, Rogers, Smyth, Steele, Walworth and Carleton, (Speaker.)

Those who voted in the negative are,



Messrs. Brierly, Hackleman, Hebard, Robb, Wilson, Wray, and Wright.

A motion was made by Mr. Grimes to add the following to the 8th section:

And if the said animal, shall continue to trespass, the owner thereof, shall be liable for every subsequent trespass, to an action therefor, and judgment shall be rendered against him, for three times the amount of damages sustained; and such trespassing animal shall be subject to levy and sale upon execution, issued upon such judgment, any law of this Territory to the contrary notwithstanding.

And was decided in the affirmative.

Yeas 16—Nays 9.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Bonney, Borland, Culbertson, Fay, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Robb, Walworth, Wilson, Wray, and Wright.

Those who voted in the negative are,

Messrs. Baker, Brierly, Brophy, Nowlin, Roberts, Rogers, Smyth, Steele, and Carleton, (Speaker.)

The bill was then ordered to be engrossed and read a third time to-morrow.

No. 94, H. R. File, "A Bill to amend an act entitled An act, regulating Mills and Millers, approved Feb, 3, 1843."

Being the order of the day, was referred to a Committee of the Whole House, for the consideration of the same.

And after sometime spent therein,

Mr. Speaker resumed the chair, and Mr. Rogers reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments.

The House concurred in the report of the Committee.

The Bill was then ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Fay,

Ordered, That the House adjourn until 2 o'clock, P. M.

## 2 O'CLOCK P. M.

No. 7, C. F. "A Bill to incorporate the Iowa City Manufacturing Company."

Was read a second time.

A motion was made by Mr. Rogers, to strike out "two hundred thousand dollars," and insert "one hundred thousand dollars," as the amount of capital of said company.

Which was decided in the negative.

A motion was made by Mr. Rogers, to strike out "five years," and insert "three years," as the time in which a lock shall be erected in the dam of said company.



Which was decided in the negative.

Yeas 6, Nays 18.

The yeas and Nays being desired by two members,

Those who voted in the affirmative, are

Messrs. Brophy, Fay, Foley, Rogers, Smyth and Wright.

Those who voted in the negative, are

Messrs. Bonney, Brierly, Borland, Culbertson, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Steele, Walworth, Wilson, Wray, and Carleton, (Speaker.)

A motion was made by Mr. Rogers, to strike out the words "forty years," being the time proposed for the charter to continue in force.

Which was decided in the negative.

Yeas 8—Nays 16.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Bonney, Brophy, Fay, Foley, Johnson, Rogers, Smyth, and Wright.

Those who voted in the negative, are

Messrs. Brierly, Borland, Culbertson, Grimes, Hackleman, Hebard, Mitchell, McCleary, Nowlin, Robb, Roberts, Steele, Walworth, Wilson, Wray, and Carleton, (Speaker.)

On motion of Mr. Rogers,

A call of the House was had, when all the members answered to their names except, Messrs. Baker and Thompson, who were excused, and the call suspended.

A motion was made by Mr. Rogers, to add the following section, to wit:

That any future Legislature, may amend or repeal this act.

And was decided in the negative.

Yeas 9, Nays 15.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Bonney, Brophy, Culbertson, Fay, Foley, Rogers, Smyth, Wray, and Wright.

Those who voted in the negative, are

Messrs. Brierly, Borland, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Steele, Walworth, Wilson, and Carleton, (Speaker.)

A motion was made by Mr. Smyth, to add the following section to the bill, to wit:

Sec. Any future Legislature may repeal this charter, provided said corporation, shall at any time, abuse, misuse, or violate the provisions of this act,

And was decided in the negative.

Yeas 11, Nays 13.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Bonney, Borland, Brophy, Culbertson, Fay, Foley, McClea-



ry, Rogers, Smyth, Wray, and Wright.

Those who voted in the negative are,

Messrs. Brierly, Grimes, Hackleman, Hebard, Johnson, Mitchell, Nowlin, Robb, Roberts, Steele, Walworth, Wilson, and Carleton, (Speaker.)

The question was then taken on ordering the bill to be read a third time to-morrow.

And was decided in the affirmative.

Yeas 16—Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Brierly, Borland, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Steele, Walworth, Wilson, Wray, and Carleton, (Speaker.)

Those who voted in the negative are

Messrs. Bonney, Brophy, Culbertson, Fay, Foley, Rogers, Smyth, and Wright.

Mr. Robb, from the Committee on Enrolled Bills reported that they did on the 3rd. inst., present to the Governor for his approval,

A Memorial to Congress, asking for an appropriation to pay the debts of previous Legislatures.

An act to incorporate the Dubuque, Clayton, Delaware, and Jackson Mutual Fire Insurance Company.

An act to incorporate the subscribers for erecting a Dam across the Muscatine Slough.

An Act to incorporate the Iowa Botanic Medical Society.

A Memorial to Congress, relative to granting the right of pre-emption to unsurveyed lands.

A Joint Resolution, asking Congress for the establishment of a Post Route from Nauvoo to Montrose.

An act to locate a Territorial Road from Davenport to Iowa City.

An act to organize the counties of Keokuk and Mahaska.

An act to extend the Territorial Road from Mt. Pleasant to the Indian boundary line, via Autumwa, Eddysville, to Lake Prairie, in Mahaska county.

An act to establish a Territorial Road from Iowaville, on the Des Moines river, to the Missouri line.

An act to amend an act entitled 'An act for the election of Constables and defining their duties.

An act to allow Avery Thomas to change his name to Lewis Ashton Thomas.

All of which had been approved by the Governor.

And then,

On motion of Mr. Wilson,

The House adjourned until to-morrow morning at 10 o'clock.



## HOUSE OF REPRESENTATIVES]

**Tuesday Morning, February 6, 1844.**

Mr. Hackleman presented the account of Bridgeman, Brothers, for articles furnished the Territory.

Ordered, That said petition be referred to the Committee on Expenditures.

Mr. Baker presented the petition of 219 citizens of Keokuk county, praying the passage of a law authorizing the inhabitants of said county to vote for a particular place or point, in said county, at which they wish the Seat of Justice to be located.

Ordered, That said petition be laid on the table.

A motion was made by Mr. Smyth, that the vote adopting the resolution relative to the pay of the officers of the House be re-considered; when,

On motion of Mr. Baker,

Ordered, That the motion to re-consider do lie upon the table.

Mr. Wilson, from the Committee on Roads and Highways, reported No. 134, H. R. File, "A Bill to locate and establish a Territorial Road from Wilson's Mills, in Henry county, to Glasgow, in Jefferson county;"

Which was read a first time.

A motion was made by Mr. Wilson, that the 42d rule be suspended, and the bill be read a second and third time now.

Which motion was lost—two-thirds of the members present not voting therefor.

Mr. Grimes, from the Committee on the Judiciary, reported

No. 135, H. R. File, "A Bill to authorize Sheriffs and Collectors of taxes to make deeds in certain cases," which was read a first time.

Mr. Robb from the Committee on Enrolled Bills reported an Act defining the Jurisdiction of the Supreme Court, and regulating the practice therein.

An Act for the Improvement of Sheep.

An Act to organize the County of Delaware and to provide for holding Court.

An Act to amend an act entitled an Act to amend an Act entitled an Act for the incorporation of the town of Mount Pleasant, in Henry county, Iowa Territory, approved Jan. 25th, 1842."

An act for the relief of Rev. Isaac Searles, a minister of the Gospel.

An act for the relief of William Parvin,

As correctly enrolled.

The Speaker then signed said acts.

Mr. Walworth, from the Committee on Engrossed Bills, reported Nos. 75, 91, 94, and 132, H. R. File, as correctly engrossed.



Mr. Hackleman, from the minority of the Select Committee, to whom was referred the petition and remonstrance of the citizens of Lee county, relative to the division of said county, made a report, which was read as follows:

The minority of the Committee, to whom was referred the petitions and remonstrances of the citizens of Lee county, in relation to the division of said county, beg leave to report:

That they, in connection with the majority of the Committee, have had the same under consideration, and after a careful and laborious examination of the same, with all the lights that could be had on the subject, have come to conclusions altogether different from those of the majority report.

We agree with the majority that the whole number of names appearing on the petitions for division of said county, is twelve hundred and fifty; but none of these were sworn to as legal voters. It also appeared by the affidavit of Gen. Brown, attached to one of the remonstrances, that fifty-six of those who had signed this petition for division, afterwards signed the *remonstrance against division*, and authorized their names to be taken from said petition; from the affidavit of Joseph Morrison attached to another of these remonstrances, it appeared that *twenty-two other* persons who had signed the *petition for division*, signed the remonstrance against a division, and authorized *their* names to be taken from the petition for division; from the affidavit of Thomas Fitzpatrick, it appeared that four other persons, who had signed the petition for division, signed the remonstrance against division, and authorized *their* names to be taken from the petition for division. It was agreed to by the parties who appeared before the Committee both for and against division, that there were the names of fifty-eight other persons on the petitions for division, whose names had been *signed twice*, or who *were unnaturalized aliens*, or *illegal* voters from other causes; there were also twenty-eight other names on said petitions for division, which were objected to as not being legal voters; suppose that one-half of these twenty-eight were not legal voters, and the number which should be taken from the petitions for division, would be one hundred and fifty-four—leaving on the petitions for division one thousand and ninety names.

The minority of the Committee do not agree with the majority as to the number of names found on the remonstrances as stated in the majority report; we found the number of names on the remonstrances, as admitted by the opposite party, to be eleven hundred and twelve, while the majority report puts down the number at only one thousand and eighty-one. All those on the remonstrances, except a very small number, about which there appears to be no dispute, were sworn to as legal voters of Lee county, and as having signed said remonstrances after having the contents made known to them. Twenty only of the signers, whose names appear on these remonstrances, were objected to, and only *one* of these was shown to be illegal; although an opportunity was given to those who objected, and they were called upon to show



the fact; but suppose eleven of these twenty were not legal voters, and it leaves on the *remonstrances against a division*, eleven hundred and one names, being a majority of *five* opposed to a division. The majority state in their report, that some seventy persons who signed the remonstrance against division, and who had been induced so to do by misrepresentations, afterwards signed the petitions for division, and requested their names to be taken from the remonstrances, the report further states, that your Committee have received instructions from those persons in relation to their wishes on this subject, and have been directly informed by them that they are in favor of a division of the county of Lee, and wish their names taken from the remonstrances. The undersigned, composing part of your Committee, were present at the investigations and deliberations of this Committee, but neither *saw* nor *heard* any evidence *whatever* to establish the fact, that any *persons whatever* had been induced to sign the remonstrances against division by misrepresentations, or that any persons who had signed said remonstrances had afterwards signed the petitions for division; or that any persons whatever, who had signed said remonstrances, had *authorized* or *requested* their names to be taken therefrom. We have therefore come to the conclusion, that there is a clear majority of the petitioners from Lee county, opposed to a division of said county; and we are strengthened in this conclusion from the fact that the Assessment Roll of said county, properly certified by the Collector, shows less than two thousand taxable polls in the county; besides, it is said there are some hundred or more legal voters who have signed a petition for re-location of the county seat by a vote of the people, whose names do not appear on either the petition for division, or the remonstrance against it. Into this matter we did not think it necessary to examine, as there is a majority opposed to a division without it.

The Assessment Roll, the majority seem to think, looks suspicious, but we could perceive *no grounds* for such suspicions.

But if there were actually a small majority of the people of Lee county in favor of a division, we do not think the Legislature should divide it, as the county is now none too large, and the precedent would be a dangerous one. If that county should be divided, because it may be thought by some there is a mere majority for division, each of the counties formed by this division, may ask next session, by mere majorities, and so, *ad infinitum*, until we have every township in the Territory organized into a county; and all this from the fact of considering the division of a county as a local matter under control of the delegation of any particular county, who may feel themselves instructed by *doubtful* majorities, to go for division in order to gratify contending parties, who wish additional county seats.

The Committee would also recommend the adoption of the following resolution:

Resolved, That the bill to divide the county of Lee be indefinitely postponed.

On motion of Mr. Robb,



Ordered, That said report and resolution do lie upon the table.

Mr. Foley, from the Select Committee appointed for that purpose, reported

No. 136, H. R. File, "A Bill to authorize the President and Trustees of Bellview, in Jackson county, to license Merchants and Groceries."

Said bill was read a first time.

Mr. Mitchell, from the Committee to whom was referred

No. 18, H. R. File, "A Bill amendatory of an act to incorporate the Scott County Hydraulic Company," reported the same back to the House with amendments.

Which was read a first time.

A motion was made by Mr. Brophy, that fifty copies of said bill be printed. Which passed in the affirmative.

Yeas 13—Nays 11.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Hackleman, Johnson, Robb, Rogers, Thompson, Wright and Carleton (Speaker.)

Those who voted in the negative are,

Messrs. Fay, Foley, Grimes, Hebard, Mitchell, McCleary, Nowlin, Smyth, Steele, Walworth, and Wilson.

Mr. Baker, on leave being granted, introduced

No. 137, H. R. File, "A Bill to amend the Militia Law, so as to form a fourth Division." Also,

No. 138, H. R. File, "Joint Resolution, providing for furnishing Seals for the counties of Davis, Wapello, Keokuk, and Makaska."

Mr. Culbertson, by leave of the House, introduced

No. 139, H. R. File, "A Bill to form a fourth Judicial District."

Said Bills and Joint Resolution were severally read a first time.

No. 52, H. R. File, "A Bill to abolish capital punishment." being the order of the day,

The House resolved itself into a Committee of the Whole House on said Bill. After a short time spent therein,

Mr. Speaker resumed the chair, and Mr. Nowlin reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same to the House without amendment.

Whereupon, a motion was made by Mr. Robb, that the further consideration of the bill be indefinitely postponed. And after debate,

On motion of Mr. Nowlin,

The House adjourned until 2 o'clock, P. M.



## 2 O'CLOCK, P. M.

On motion of Mr. Hackleman,

The rules were for the time being suspended, when he gave notice, that he would on Monday next, again bring in a Joint Resolution, relative to the printing the laws of the present session.

On motion of Mr. Grimes,

The rules were for the time suspended, when he, on leave, introduced

No. 140, H. R. File, "A Bill amendatory of an act to authorize evidence by the oath of parties, approved 20, Jan. 1843."

A Message from the Council, by Mr. Wallace, their Secretary:

MR. SPEAKER:

The Council have passed

No. 46, C. F. "Joint Resolution for the relief of F. M. Irish."

No. 49, C. File, "A Bill to vacate a part of the town of Parkhurst."

No. 53, C. File, "A Bill for an act, donating to the Baptist Church of Iowa City, a certain lot of ground therein named."

No. 57, C. File, "Joint Resolution, relative to the republication of a certain act."

No. 58, C. File, "An act to change a part of a Territorial Road, running from Burlington to the mouth of the Des Moines river."

Also, with an amendment,

No. 95, H. R. File, "A Bill to amend an act entitled an act, to establish a ferry across the Mississippi river in this Territroy, approved Jan. 18, 1838."

Also, without amendment,

No. 3, H. R. File, "A Bill to authorize Hugh Boyle and Ralph Bissell, to erect a dam across Skunk river, in Henry county."

No. 57, H. R. File, "A Bill to authorize the administrators of John Jones deceased, to make a title to certain real estate in Grandview, in Louisa county."

No. 97, H. R. File, "Memorial to Congress, for a Township of Land for the Jackson county Academy."

No. 101, H. R. File, "A Bill to amend an act entitled an act, for the incorporation of the town of Farmington, &c., approved, January, 1841."

No. 103, H. R. File "A Bill to authorize the payment of the expenses of laying out a certain Territorial Road."

No. 107, H. R. File, "An act to legalize the location of a Territorial Road from Davenport to Bellview."

No. 110, H. R. File, "A Memorial to Congress, for the establishment of a mail route, from Galena, Ill. via Bellview to Iowa City."

No. 116, H. R. File, "A Bill to lay out and establish a Territorial



Road, from the Cedar Rapids in Linn county, to the rapids on Wappesipinicon, in Buchanan county."

No. 119, H. R. File, "A Bill amendatory of an act entitled an act, for the relief of the Poor, approved Feb. 16th. 1842."

I herewith present for your signature,

An act to locate a Territorial Road, from the old Indian boundary line, in Des Moines Township, in Jefferson county, via Agency City, to the seat of Justice of Mahaska county."

An act to incorporate the Toolesborough Manufacturing Company."

An act to locate a Territorial Road, from lowaville in Van Buren county, to Autumwa in Wapello county."

I herewith return,

An act to incorporate the Grandview Literary and Philosophical Society of Louisa county."

An act to locate and establish a Territorial Road, from Brighton in Washington county, to the county seat of Mahaska county."

An act to incorporate the Jefferson Academy."

An act to legalize the acts of James T. Harden, Deputy Recorder of Jefferson county."

An act relative to religious societies."

Joint Resolutions for the establishment of certain Post Routes."

All of which have been signed by the President of the Council.

And then he withdrew.

The Speaker then signed the acts presented for his signature.

The House resumed the consideration of the motion to indefinitely postpone.

No. 52, H. R. File, "A Bill to abolish capital punishment."

And after debate, a motion was made by Mr. Thompson, to strike out all after the enacting clause, and to insert the following, to wit:

That if any person shall purposely, and of deliberate and premeditated malice, or, in the perpetration or attempt to perpetrate, any rape, arson, robbery, or burglary, or, by administering poison, or causing the same to be done, kill another; every such person shall be deemed guilty of murder in the first degree, and upon conviction thereof, shall be imprisoned in the Penitentiary, and kept at hard labor, for and during life.

Sec. 2. That if any person shall purposely and maliciously, but without deliberation and premeditation, kill another; every such person shall be deemed guilty of murder in the second degree, and on conviction thereof, shall be imprisoned in the Penitentiary, and kept at hard labor, for a term of not less than twenty-one years.

Sec. 3. That if any person shall unlawfully kill another without malice, either upon a sudden quarrel, or unintentionally, while the slayer is in the commission of some unlawful act, every such person shall be deemed guilty of Manslaughter, and upon conviction thereof, shall be imprisoned in the Penitentiary and kept at hard labor, not more than twenty-one years nor less than one year.

Pending which,



A motion was made by Mr. Brophy, to amend by adding the following words, to wit:

That all the property belonging to the murderer, which is liable to execution, shall be forfeited to the heirs of the person murdered.

Which was decided in the negative.

Yeas 7—Nays 18.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Brophy, Culbertson, Grimes, and Thompson.

Those who voted in the negative are,

Messrs. Borland, Fay, Foley, Hackleman, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Rogers, Smyth, Steele, Walworth Wilson, Wray, Wright, and Carleton, (Speaker.)

The question then recurring on the motion of Mr. Thompson, to strike out all after the enacting clause, and to insert the foregoing amendment proposed by him.

Mr. Foley called for a division of the question, first on striking out. And was decided in the affirmative.

Yeas 23—Nays 1.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Foley, Grimes, Hackleman, Johnson, Mitchell, McCleary, Nowlin, Roberts, Rogers, Steele, Thompson, Walworth, Wilson, Wray, Wright, and Carleton, (Speaker.)

Mr. Smyth voted in the negative.

A motion was made by Mr. Fay, that the House do now adjourn.

Which was decided in the negative.

Yeas 7, Nays 18.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Brophy, Mitchell, Smyth, Wray, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Brierly, Borland, Culbertson, Fay, Foley, Grimes Hackleman, Johnson, McCleary, Nowlin, Robb, Roberts, Rogers, Steele, Thompson, Walworth, Wilson, and Wright.

On motion of Mr. Walworth,

A call of the House was had, when all the members answered to their names, except Mr. Hebard.

The Sergeant-at-arms, was directed to compel his attendance.

After a short time Mr. Hebard appearing, all proceedings in the call were suspended.

The question was then taken, on inserting Mr. Thompson's amendment,

And was decided in the negative.

Yeas 10, Nays 16.



The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Bonney, Brophy, Grimes, Johnson, Mitchell, McCleary, Smyth, Thompson, and Wilson.

Those who voted in the negative, are

Messrs. Brierly, Borland, Culbertson, Fay, Foley, Hackleman, Hebard, Nowlin, Robb, Roberts, Rogers, Steele, Walworth, Wray, Wright, and Carleton, (Speaker.)

A motion was made by Mr. Nowlin, to strike out the enacting clause.  
Pending which,

A motion was made by Mr. Wilson, to lay the enacting clause on the table.

Which was decided in the negative.

Mr. Wilson then made a motion, that the House do now adjourn.

Which was decided in the negative.

Yeas 10, Nays 15.

The yeas and Nays being desired by two members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Brierly, Brophy, Hebard Mitchell, Smyth, Thompson, Wilson, and Carleton (Speaker.)

Those who voted in the negative, are

Messrs. Borland, Culbertson, Fay, Foley, Grimes, Hackleman, Johnson, McCleary, Nowlin, Robb, Roberts, Rogers, Steele, Wray, and Wright.

Mr. Wilson asked and obtained leave of absence, until to-morrow morning.

A motion was made by Mr. Grimes, to reconsider the vote by which the House refused to lay the enacting clause on the table, when,

A motion was made by Mr. Mitchell, to lay upon the table, the motion to reconsider.

Which was decided in the negative.

Yeas 12—Nays 13.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Brophy, Grimes, Hebard, Johnson, Mitchell, McCleary, Rogers, Smyth, and Thompson.

Those who voted in the negative, are

Messrs. Borland, Culbertson, Fay, Foley, Hackleman, Nowlin, Robb, Roberts, Steele, Walworth, Wray, Wright, and Carleton, (Speaker.)

Mr. Fay called for the previous question, and the call being seconded by a majority of the members.

The question was then put, Shall the main question be now put?

And was decided in the affirmative.

Yeas 15—Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Borland, Culbertson, Fay, Foley, Hackleman, Hebard, Nowlin, Robb, Roberts, Rogers, Steele, Walworth, Wray, Wright, and



Carleton, (Speaker.)

Those who voted in the negative are

Messrs. Baker, Bonney, Brophy, Johnson, Mitchell, McCleary, Smyth, and Thompson.

The previous question was then put, Shall the enacting clause of said bill be stricken out?

And was decided in the affirmative.

Yeas 15, Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Borland, Culbertson, Fay, Foley, Hackleman, Hebard, Nowlin, Robb, Roberts, Rogers, Steele, Walworth, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Baker, Bonney, Brophy, Johnson, Mitchell, McCleary, Smyth, and Thompson.

And then the House adjourned until to-morrow at 10 o'clock, A. M.

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### Wednesday Morning, February 7, 1844.

Mr. Rogers presented the petition of 39 citizens of Delaware and Dubuque counties, remonstrating against the division of the county of Delaware.

Which was referred to the Committee on Township and County Boundaries.

The Speaker gave notice, that he would, on to-morrow, ask leave to introduce a bill to incorporate Iowa City.

Mr. Foley, on leave, introduced

No. 141, H. R. File, "A Bill to legalize the acts of John Peterson, an acting Justice of the Peace."

A motion was made by Mr. Thompson to suspend the 41st rule, for the time being, in order that he might introduce a bill, to wit:

No. 142, H. R. file, "A Bill to amend an act, entitled An act defining crimes and punishments, approved 16th Feb. 1843."

Which was agreed to, and the bill was read a first time.

Mr. Wilson moved to suspend the 42d rule, in order that the bill may be read a second time now.

Which was not agreed to—two-thirds not voting therefor.

Mr. Robb, from the Committee on Enrolled Bills, reported, that the Committee had examined

An act to authorize Hugh Boyle and Ralph Bissell, to erect a Dam across Skunk river, in Henry county.



An act to legalize the location of a Territorial Road, from Davenport to Bellview.

An act to authorize the payment of expenses of laying out a certain Territorial Road.

A Memorial to Congress for the establishment of a Mail Route from Galena, Ill., via Belview to Iowa City.

An act to lay out and establish a Territorial Road from the Cedar Rapids, in Linn county, to the Rapids on the Wappesipinicon, in Buchanan county.

An act to amend an act, entitled An act for the incorporation of the town of Farmington, approved Jan. 11, 1841.

An act amendatory of an act, entitled An act for the relief of the Poor.

A memorial to Congress, for a township of land for the Jackson county Academy.

An act to authorize the administrators of John Jones, deceased, to make a title to certain real estate, in Grandview, Louisa county.

And found the same correctly enrolled.

The Speaker then signed said acts.

Mr. Fay gave notice, that he would, on to-morrow, ask leave to introduce

A Bill relative to Pedlars.

Mr. Nowlin, on leave, introduced,

No. 143, H. R. File, "A Bill to lay out a Territorial Road from J. H. Jenkins', in Linn county, in a direction to the city of Dubuque."

Which was read a first time.

No. 95, H. R. File, "A Bill to amend an act, entitled An act to establish a Ferry across the Mississippi river," as amended by the Council, was concurred in.

The following Bills, to wit:

No. 46, C. F. "A Joint Resolution, for the relief of F. M. Irish;"

No. 49, C. F. "A Bill to vacate a part of the town of Parkhurst."

No. 53, C. F. "A Bill for an act, donating to the Baptist Church of Iowa City a certain lot of ground therein named.

No. 57, C. F. "A Joint Resolution, relative to the republication of a certain act.

No. 58, C. F. "An act to change a part of a Territorial Road, running from Burlington to the mouth of the Des Moines river."

Were severally read a first time.

No. 100, H. R. File, "A Bill for opening section lines,"

Being the order of the day, was referred to a Committee of the Whole House for the consideration of the same. And after sometime spent therein,

Mr. Speaker resumed the chair, and Mr. McCleary reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same to the House with amendments.

The House concurred in the report of the Committee.



A motion was made by Mr. Nowlin, to indefinitely postpone the bill.

Pending which,

A motion was made by Mr. Wilson, to refer the bill to the delegation from Des Moines county, with instructions to so amend the bill as to confine the provisions of the bill to Des Moines county.

And was decided in the affirmative.

Yeas 14—Nays 11.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Borland, Brophy, Culbertson, Fay, Foley, McCleary, Nowlin, Roberts, Rogers, Smyth, Wilson, and Wray.

Those who voted in the negative are,

Messrs. Grimes, Hackleman, Hebard, Johnson, Mitchell, Robb, Steele, Thompson, Walworth, Wright and Carleton, (Speaker.)

No. 111, H. R. File, "A Bill to provide for the payment of costs in certain cases;"

Was read a second time, and,

On motion of Mr. Grimes,

Laid on the table.

No. 11, H. R. File, "A Bill to provide for assessing and collecting Public Revenue;"

Was read a second time, and,

On motion of Mr. Wilson,

Referred to a Committee of the Whole House, and made the order of the day for to-morrow.

A Message from the Council, by Mr. Wallace, their Secretary:

MR. SPEAKER:

The Council have passed

No. 38, H. R. File, "An act to legalize the acts of Justices of the Peace, in certain cases;"

No. 109, H. R. File, "A Bill to lay out a Territorial Road, from Bennett's Mill, in Buchanan county, to or near Wm. Myers', in Dubuque county."

I herewith present, for your signature,

An act to locate a Territorial Road, from a certain point in Muscatine, co., therein named, to the Rapids on Cedar river, in Linn county;

An act to encourage the destruction of Wolves;

An act to establish and locate a Road, from John Scott's farm, on Nassau Island, in Lee county, to intersect the road leading from Keokuk to Farmington, at or near the residence of Phineas Hunt.

And then he withdrew.

The Speaker signed said acts.

No. 77, H. R. File, "A Bill to amend an act, entitled An act subjecting real and personal estate to execution, as amended by the Committee on the Judiciary, was considered and concurred in.

A motion was made by Mr. Wilson, to strike out all after the enacting clause, and to insert the following:

That hereafter the plaintiff in execution, shall have the right to se-



lect any property that is subject to execution, except the lands and tenements on which the defendant resides, unless there is not a sufficiency of other property to be found to satisfy the debt, and if said property should not sell for its full appraised value, the plaintiff may take the property at the appraised value, or hold his lien on said property, until it will sell, or the plaintiff take the same; but in all cases where the plaintiff shall not choose or select property, the parties in the case shall be governed by the law to which this is amendatory.

Which was decided in the negative.

Yeas 4, Nays 20.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. McCleary, Roberts, Steele, and Wilson.

Those who voted in the negative, are

Messrs. Baker, Brierly, Bonney, Borland, Brophy, Culbertson, Fay, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell Nowlin, Robb, Rogers, Smyth, Thompson, Walworth, Wray, and Carleton, (Speaker.)

A motion was made by Mr. Rogers, to add the following section to the bill, to wit:

That the act to which this is amendatory, so far as the same may, in any manner, affect judgments obtained, deeds of trust, and mortgages executed previous to the 20th day of February, A. D. 1843, is hereby repealed; said judgments, deeds of trust and mortgages, shall be governed in all respects by the laws of this Territory, in existence at the time such judgments were rendered, and such deeds of trust and mortgages were executed.

Which was decided in the negative. Yeas 8, Nays 17.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Borland, Foley, Nowlin, Rogers, Smyth, and Walworth.

Those who voted in the negative are,

Messrs. Brierly, Brophy, Culbertson, Fay, Grimes, Hackleman, Johnson, Mitchell, McCleary, Robb, Roberts, Steele, Thompson, Wilson, Wray, Wright, and Carleton, (Speaker.)

A motion was made by Mr. Fay, to add the following section, to wit:

Sec. 7. That in addition to the property now exempt by law from levy and sale upon execution, all public burying grounds, and all private burying grounds, not exceeding one acre, shall be exempt from levy and sale upon any process whatever.

Which was agreed to.

A motion was made by Mr. Grimes, to add the following section:

Sec. 8. That all deeds for real estate, sold under any execution or decree of Court, by any Sheriff or other officer authorized by law, to make the same, shall, in all controversies, which may hereafter arise in relation to the title of said real estate, be taken and considered *prima facie* evidence of the existence of a judgment and execution authorizing said officer to sell the same, and also of the regularity of the said sale, and



of every ministerial act appertaining thereto.

Which was decided in the negative.

The question then being,

Shall the bill be engrossed and read a third time to-morrow?

Was put, and decided in the affirmative.

Yeas 19, Nays 6.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Fay, Foley, Hackleman, McCleary, Nowlin, Robb, Roberts, Rogers, Smyth, Steele, Thompson, Walworth, Wray, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Brophy, Grimes, Johnson, Mitchell, Wilson, and Wright.

And then the House adjourned until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

No. 112, H. R. File, "A Bill to abolish imprisonment for debt,"

Being read a second time, was ordered to lie on the table.

No. 115, H. R. File, "A Bill to organize the county of Jasper."

Was read a second time.

A motion was made by Mr. Brierly, to so amend the bill, that an election shall be held in the different townships in Lee county, on the first Monday in April next, "for division," or "no division."

Which was decided in the affirmative.

A motion was made by Mr. Grimes, to add the following section.

Sec. The Court House at Fort Madison shall not be sold by the County Commissioners of Lee county, nor by their authority, for the space of eighteen months, from and after the date hereof.

Which was agreed to.

A motion was made by Mr. McCleary, to strike out all after the enacting clause of the original bill.

Which was decided in the negative.

Yeas 6—Nays 20.

Mr. Wilson asked to be excused from voting on the subject; the House refused to excuse him.

The Yeas and Nays being demanded by two members on Mr. McCleary's motion.

Those who voted in the affirmative are,

Messrs. Bonney, Borland, Hackleman, Hebard, Johnson, and McCleary.

Those who voted in the negative are,

Messrs. Baker, Brierly, Brophy, Culbertson, Fay, Foley, Grimes, Mitchell, Nowlin, Robb, Roberts, Rogers, Smyth, Steele, Thompson, Walworth, Wilson, Wray, Wright and Carleton (Speaker.)

The bill was then ordered to be engrossed, and read a third time to-morrow.



No. 126, H. R. File, "A Bill authorizing the raising of dams on the Des Moines river."

Was read a second time, and after being slightly amended,

On motion of Mr. Bonney,

The bill was ordered to be engrossed and read a third time to-morrow.

No. 127, H. R. File, "A Joint Resolution, relative to the mail route from Iowa City to Dubuque."

Was read a second time.

Mr. Smyth proposed to amend the resolution, when,

A motion was made by Mr. Rogers, that the Resolution and amendment be laid on the table.

Which was agreed to.

The following Bills, to wit:

No. 128, H. R. File, "A Bill to amend an act entitled an act, to regulate Conveyances."

No. 129, H. R. File, "A Bill to lay out a Territorial Road, from Delhi in Delaware county, to Cascade in Dubuque county."

No. 132, H. R. File, "A Bill to incorporate the Washington Lyceum of Jackson county."

No. 134, H. R. File, "A Bill to locate and establish a Territorial Road from Wilson's Mills, in Henry county, to Glasgow, in Jefferson county;"

No. 136, H. R. File, "A Bill to authorize the President and Trustees of Bellview, in Jackson county, to license Merchants and Groceries."

Were severally read a second time, and considered as engrossed.

On motion,

Ordered, That the 42d rule be suspended for the time being, and that said Bills be read a third time now.

Said Bills were then read a third time and passed.

Ordered, That the Clerk request the concurrence of the Council therein.

No. 130, H. R. File, "A Bill to amend an act entitled an act for the organization of Townships, approved Feb. 17. 1842."

Was read a second time, and,

On motion of Mr. McCleary,

Referred to a Committee of the Whole House, and made the order of the day for Friday next.

The following Bills, to wit:

No. 131, H. R. File "A Bill for the relief of George Andrews."

No. 135, H. R. File, "A Bill to authorize Sheriffs and Collectors of taxes to make deeds in certain cases,"

No. 137, H. R. File, "A Bill to amend the Militia Law, so as to form a fourth Division."

No. 138, H. R. File, "Joint Resolution, providing for Seals for the Courts in new counties."

No. 139, H. R. File, "A Bill to form a fourth Judicial District."



No. 140, H. R. File, "A Bill to amend an act entitled an act to authorize evidence by the oath of parties, approved 20th, Jan. 1843."

Were severally read a second time, and ordered to be engrossed and read a third time to-morrow.

And then,

On motion of Mr. Wilson,

The House adjourned until to-morrow morning at 9 o'clock.

### Thursday Morning, February 8, 1844.

The Speaker, on leave, introduced

No. 144, H. R. File, "A Bill to incorporate Iowa City."

Mr. Thompson from the Committee on the Judiciary, reported

No. 145, H. R. File, "A Bill to amend an act entitled an act, concerning Grand and Petit jurors, approved Jan. 4, 1839."

Said Bills were read a first time.

Mr. Foley offered the following:

Whereas it is requisite, and the public business imperiously demands it, that a speedy action should be had on all Bills, Resolutions &c., that are, or may hereafter be introduced before this House, and for the speedy action on such bills, &c. Therefore.

Resolved, That no member, shall for the future, speak to any one question, longer than ten minutes, and not more than once, and that the Speaker shall strictly enforce the provisions of this Resolution, which lies over one day, under the rule.

Mr. Johnson presented the account of James Clarke, amounting to \$17 for newspapers furnished the members.

Which was referred to the Committee on Expenditures.

A motion was made by Mr. Hackleman, to take from the table, the motion made some days since, to reconsider the vote on the adoption of the Resolution relative to the payment of the officers of the House.

Which was decided in the negative.

Mr. Hebard gave notice, that he would, on to-morrow, introduce

A Memorial to Congress, asking for change of the law, relative to the intercourse with the Indians.

Mr. Grimes moved a suspension of the rules, that Bills on the 3d. reading might be taken up, and acted upon.

Which was agreed to.

No. 7, C. File, "A Bill to incorporate the Iowa City Manufacturing Company."

Was read a third time.

And the question being put, Shall the bill pass?

It passed in the affirmative.



Yeas 16—Nays 10.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brierly, Borland, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Steele, Walworth, Wilson, Wray, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Baker, Bonney, Brophy, Culbertson, Fay, Foley, Rogers, Smyth, Thompson, and Wright.

No. 29, C. File, "A Bill to incorporate the Dubuque Mining Company,"

Was read a third time,

The question being put, Shall the bill pass?

It passed in the affirmative.

Yeas 15, Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Foley, Johnson, McCleary, Nowlin, Robb, Roberts, Smyth, Steele, Wray, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Brophy, Grimes, Hackleman, Hebard, Mitchell, Rogers, Walworth, and Wright.

No. 44, C. F. "A Memorial to Congress, requiring the Governor and Secretary to keep their offices at Iowa City."

Was read a third time.

And the question being put, Shall the Memorial pass?

It passed in the affirmative.

Yeas 17, Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Fay, Foley, Mitchell, McCleary, Nowlin, Roberts, Rogers, Smyth, Walworth, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Brierly, Grimes, Hackleman, Hebard, Johnson, Robb, Steele, and Wilson.

The following Bills, to wit:

No. 32, C. File, "A Bill to allow John Godden and others of Van Buren county, further time to construct a dam across the Des Moines river, at Pittsburg in said county."

No. 43, C. File, "A Memorial to Congress, for an appropriation of land to complete the Iowa Penitentiary."

No. 75, H. R. File, "A Bill to define lawful fences &c."

No. 91, H. R. File, "A Bill amendatory of an act entitled an act relative to proceedings in Chancery, approved Jan. 23, 1839."

No. 94, H. R. File, "A Bill to amend an act regulating Mills and Millers, approved Feb. 3, 1848."



No. 117, H. R. File, "A Bill to locate a Territorial Road from Brighton in Washington county, to intersect the Road from Mount Pleasant, to Washington county."

No. 121, H. R. File, "A Bill to vacate a part of the Town of Solon, in Johnson county."

No. 122, H. R. File, "A Bill to authorize the County Commissioners of the county of Henry, to vacate a part of Webster street in the town of Mt. Pleasant."

No. 123, H. R. File, "A Bill to repeal certain acts herein named."

No. 124, H. R. File, "A Bill for the relief of George W. Cummins."

No. 125, H. R. File, "A Bill to incorporate the Mount Pleasant Lyceum."

No. 132, H. R. File "A Bill to perfect the collection of Taxes in Louisa county."

Were severally read a third time and passed.

Ordered, That the Council be informed accordingly.

On motion of Mr. Bonney,

The rules were suspended for the time being, and,

No. 9, C. F. "A Bill to locate a Territorial Road, from Keosauqua in Van Buren county to the western line of Appanoose county,"

Was taken from the table, read a third time and passed.

No. 11, H. R. File "A Bill to provide for assessing and collecting Public Revenue."

Being the order of the day, in the Committee of Whole House.

After some time spent therein,

Mr. Speaker resumed the chair, and Mr. Brierly reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House, and ask leave to sit again this evening.

Leave was granted.

A Message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

I herewith return,

An act for the improvement of Sheep.

An act to amend an act entitled an act, to amend an act entitled an act, for the incorporation of the town of Mount Pleasant in Henry county, approved Jan. 25, 1842."

An act for the relief of Rev. Isaac Searles, minister of the Gospel.

An act to organize the county of Delaware, and to provide for holding Court in the same.

An act for the relief of William Parvin Collector of Muscatine county.

An act defining the Jurisdiction of the Supreme Court and regulating the practice therein.

All of which have been signed by the President of the Council.

I am directed to inform the House, that the Council have refused to appoint a second Committee of Conference, relative to the disagreeing vote of the two Houses, upon the Joint Resolution providing for the



publication of the laws of the present session.

And then he withdrew.

On motion of Mr. Wilson,  
The House adjourned until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

The House resumed in Committee of the Whole House, the consideration of

No. 11, H. R. File, "A Bill to provide for assessing and collecting Public Revenue."

And after some time spent therein,

Mr. Speaker resumed the chair, and Mr. Brierly reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House with sundry amendments, and ask its concurrence.

On motion of Mr. Rogers,

The Bill and amendments were laid on the table until to-morrow.

Mr. Walworth from the Committee on engrossed bills reported, that they had examined Nos. 77, 126, 131, 137, 138, 139, and 140, and found the same correctly engrossed.

Mr. Walworth, on leave, introduced

No. 146, H. R. File, "A Bill to legalize the acts of Justices of the Peace in certain cases."

Mr. Baker, on leave, introduced

No. 147, H. R. File, "A Bill to amend an act entitled an act to district the Territory of Iowa into electoral districts.

Said bills were read a first time.

And then the House adjourned until to-morrow at 10 o'clock, A. M.

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## Friday Morning, February 9, 1844.

Mr. Hackleman presented the account of Wm. L. Gilbert, Esqr., for administering the official oath to the several members.

Which was referred to the Committee on Expenditures.

Mr. Smith presented the petition of the Judge of Probate and the County Commissioners of Linn county, praying that an act may be passed to authorize the Judge of Probate of said county to make a record of the former proceedings of said Court.

Which was referred to the delegation from Cedar, Jones, and Linn counties.

Mr. Mitchell presented the account of Alfred Sanders, for newspapers furnished the members.



Which was referred to the Committee on Expenditures.

The resolution offered on yesterday, by Mr. Foley, limiting the speaking of members to ten minutes at any one time, was considered and disagreed to.

Yeas 12, Nays 14.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Brierly, Fay, Foley, Hackleman, Johnson, Nowlin, Robb, Roberts, Thompson, Wilson, Wray, and Wright.

Those who voted in the negative, are

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Grimes, Hebard, Mitchell, McCleary, Rogers, Smyth, Steele, Walworth, and Carleton, (Speaker.)

Mr. Thompson gave notice, that he would, on to-morrow, introduce A Bill to take the census of the Territory.

Mr. Walworth from the Committee on Engrossed Bills, reported, that they had examined

Nos. 115 and 135, H. R. File, and found the same correctly engrossed.

Mr. Robb, from the Committee on Enrolled Bills, reported, that they had examined

An act to lay out a Territorial Road from Bennet's Mill, in Buchanan county, to or near Wm. Myers', in Dubuque county.

An act to amend an act entitled an act to establish a Ferry across the Mississippi river, approved, 18th Jan. 1838.

An act to establish the time of holding the District Courts in the several Judicial Districts.

An act to legalize the acts of Justices of the Peace and Constables, in certain cases.

And found the same correctly enrolled.

The Speaker signed said acts.

Mr. Robb, from the Committee on Enrolled Bills, reported, that the Committee did, on the 5th inst., present to the Governor, for his approval,

An act to incorporate the Grandview Literary and Philosophical Society.

An act for the relief of Malcolm Murray, late of the firm of Murray and Sanxey.

Joint Resolutions, for the establishment of certain Post Routes.

An act relative to Religious Societies.

An act to legalize the acts of James T. Harden, deputy recorder of Jefferson county.

An act to incorporate the Jefferson Academy.

An act to locate a Territorial Road from Brighton, in Washington county, to the county seat of Mahaska county.

An act to amend an act, entitled An act to establish new counties and define their boundaries.

Mr. Mitchell from the Committee on the Judiciary, reported back



with amendments,

No. 10, H. R. File, "A Bill to provide for and regulate, writs of error *Coram Nobis*."

Mr. Hebard, on leave, introduced

No. 148, H. R. File, "A Memorial to Congress, asking for a change of the law, regulating the intercourse with the Indians."

Which was read a first time.

No. 11, H. R. A Bill to provide for assessing and collecting public revenue, as reported back by the Committee of the whole House, was considered.

A motion was made by Mr. Foley, to strike out all after the word, "save" in the 10th section, and insert the following, "One hundred dollars worth of personal property, all improvements on government lands, the property of Churches and literary institutions, not exceeding ten acres, and all burial grounds."

Which was disagreed to.

Yeas 9—Nays 17.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Brophy, Foley Hackleman, Nowlin, Robb, Roberts, Rogers, Wilson, and Wray.

Those who voted in the negative, are

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Fay, Grimes, Hebard, Johnson, Mitchell, McCleary, Smyth, Steele, Thompson, Walworth, Wright, and Carleton, (Speaker.)

A motion was made by Mr. Grimes to strike out all after the word "save" and to insert the following.

First, The property of the United States and of this Territory.

Second, The personal property of all literary, benevolent, charitable and scientific institutions, that have, or may be incorporated by, or under the laws of this Territory, and such real estate belonging to such institution, as shall actually be occupied by them, for the purposes for which they were incorporated.

Thirdly, The household furniture of every person, not exceeding one hundred dollars in value, and also his necessary wearing apparel.

Fourthly, All farming utensils, mechanics' tools, and private libraries, except where they exceed in value one hundred dollars, in which case, the excess over that sum shall be taxed.

Fifthly, All houses of religious worship, and the lot or lots on which they may be situated, not exceeding five acres; the pews and furniture within such houses, all burial grounds, tombs and rights of burial.

Sixthly, All mules, horses, and neat cattle less than one year old, and all swine and sheep less than six months old.

Seventhly, The polls and estate of persons, who by reason of age, infirmity, and poverty, may in the judgment of the assessors, be unable to contribute towards the public charges, such judgment being always subject to ratification, or reversal by the Board of County Commissioners.



A motion was made by Mr. Nowlin, to strike out of Mr. Grimes' amendment, the words, "Farming utensils, mechanic's tools, and private libraries."

Which was disagreed to.

Yeas 8—Nays 17.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Brophy, Culbertson, Foley, Nowlin, Smyth, and Wilson.

Those who voted in the negative are,

Messrs. Bonney, Borland, Fay, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Robb, Roberts, Rogers, Steele, Thompson, Walworth, Wray, Wright, and Carleton, (Speaker.)

The question was then put on the adoption of Mr. Grimes' amendment. And was decided in the affirmative.

Yeas 23—Nays 3.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Brierly, Bonney, Borland, Brophy, Culbertson, Fay, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Robb, Roberts, Rogers, Steele, Thompson, Walworth, Wilson, and Carleton (Speaker.)

Those who voted in the negative are,

Messrs. Nowlin, Smyth, and Wright.

A motion was made by Mr. Hackleman, to so amend the 9th section that persons over the age of 50 years, should not be subject to a poll tax.

Which was decided in the negative.

Yeas 7—Nays 19.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Borland, Culbertson, Hackleman, Roberts, Wilson, and Wray.

Those who voted in the negative are

Messrs. Bonney, Brierly, Brophy, Fay, Foley, Grimes, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Rogers, Smyth, Steele, Thompson, Walworth, Wright, and Carleton, (Speaker.)

A motion was made by Mr. Johnson, to so amend the 9th sec. that each "white male citizen" should be subject to a poll tax.

Which was decided in the negative.

Yeas 7, Nays 17.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative, are

Messrs. Hackleman, Johnson, Mitchell, Robb, Smyth, Wright, and Carleton (Speaker.)

Those who voted in the negative, are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Grimes, Hebard, McCleary, Nowlin, Roberts, Rogers, Steele, Walworth, Wilson, and Wray.



A motion was made by Mr. Bonney, to strike out the 9th sec. which requires a poll tax of not more than 50 cents to be assessed upon each male persons over the age of 21 years.

Which was decided in the negative.

Yeas 9—Nays 15.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Bonney, Brophy, Fay, Johnson, McCleary, Robb, Roberts Smyth, and Wray.

Those who voted in the negative, are

Messrs. Baker, Brierly, Borland, Culbertson, Grimes, Hackleman, Hebard, Mitchell, Nowlin, Rogers, Steele, Walworth, Wilson, Wright, and Carleton, (Speaker.)

A motion was made by Mr. Bonney, to strike out sections 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, and 67, which relate to the sale of lands for taxes.

Which was decided in the negative.

Yeas 6, Nays 19.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Bonney, Borland, Culbertson, Hackleman, Wilson, and Wright.

Those who voted in the negative, are

Messrs. Baker, Brierly, Brophy, Fay, Grimes, Hebard Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Rogers, Smyth, Steele, Thompson, Walworth, Wray, and Carleton, (Speaker.)

A motion was made by Mr. Wilson, to strike out 50 per cent. in the 53d section, and to insert 25 per cent. as the interest on delinquent taxes for the first year.

A division of the question was called for, first on striking out.

The question was then taken on striking out the 50 per cent.

And was decided in the negative.

Yeas 11, Nays 12.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative are,

Messrs. Bonney, Culbertson, Foley, Hackleman, Mitchell, Roberts, Smyth, Steele, Thompson, Wilson, and Wright.

Those who voted in the negative are,

Messrs. Brierly, Borland, Brophy, Fay, Grimes, Johnson, McCleary, Nowlin, Robb, Rogers, Wray, and Carleton, (Speaker.)

A motion was made by Mr. Grimes, to add the following sec. to wit:

That all county Collectors, elected in the several counties in this Territory, in the year, 1843, under the provisions of the act entitled An act to provide for assessing and collecting County and Territorial Revenue, approved Feb. 13, 1843, who have not received the Collector's lists, for the present current revenue year, shall, upon qualifying under the provisions of this act, be entitled to perform and discharge all the duties required of the County Treasurers, by the provisions of



this act, for one year from the first Monday in August, 1844.

Which was disagreed to.

Yeas 5. Nays 19.

The Yeas and Nays being demanded by two members,

Those who voted in the negative, are

Messrs. Grimes, Hackleman, Mitchell, Robb, and Wright.

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Foley, Johnson, McCleary, Nowlin, Roberts, Rogers, Smyth, Steele, Thompson, Wilson, Wray, and Carleton, (Speaker.)

A motion was made by Mr. Wilson, to so amend the 55th section, as to make it the duty of the Treasurer to report a list of lands on which the taxes are unpaid, to the District Court, in *four* years, instead of *two*.

And was decided in the negative.

Yeas 10, Nays 14.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Borland, Brophy, Culbertson, Foley, Hackleman, Smyth, Steele, Thompson, Wilson, and Wright.

Those who voted in the negative, are

Messrs. Baker, Bonney, Brierly, Fay, Grimes, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Rogers, Wray, and Carleton, (Speaker.)

A motion was made by Mr. Hackleman, to strike out all after the enacting clause of the bill, and to insert the following, to wit:

That it shall be the duty of the board of County Commissioners of each and every county in this Territory, if they deem it necessary, and the public good requires it, to cause a re-valuation of the real estate of their respective counties, with the improvements thereon, which valuation shall be made at the next annual assessment, and when the assessment rolls are filed, the board of County Commissioners of said county shall sit as a board of equalization, which valuation shall be in conformity to the act to which this is amendatory, as far applicable except so much of the ninth section of said act as relates to the taxation of improvements on claim lands, which is unsold, which shall remain free from taxation by any law of this Territory.

Sec. 2. That it shall be the duty of the County Commissioners, to levy a Territorial Tax on all property assessed in their respective counties, of one-half mill per centum on all taxable property within this Territory, for Territorial purposes, which shall be collected in the same manner, and at the same time that the county tax is collected, and by the same collector; and it shall be the duty of the Clerk of the board of Commissioners to make out and transmit to the Auditor of Public Accounts, the aggregate amount of Territorial taxes of his county, on or before the tenth day of December in each year.

Sec. 3. That it shall be the further duty of the Clerk of said Board, to make out one copy of the assessment list, and deliver the same to



the Collector, on or before the sixteenth day of August in each year; and he shall also make out one copy to be filed in his office, to be kept as a matter of record, by which the Commissioners will be enabled to settle with the Collector and Treasurer.

Sec. 4. That all Collectors, who shall have been duly elected and qualified, and have filed their bonds as is required, in the act to provide for the assessing and collecting county and Territorial Revenue, approved Feb. 13th, 1843. Said act shall not be so construed as to prevent any of said collectors from the collection of the taxes for 1844.

Sed. 5. The County Commissioners may appoint some person as a county bidder, to attend the collectors' sales, with such instructions as they think proper, who shall attend said sale, and bid off for the county any or all such land or lands, as may be sold by the collector, the right of which shall be vested in the county, as it would if an individual had purchased it for his own use, and the collector shall deliver to said bidder a certificate of the land so purchased, in the name of the county, as other certificates are executed to individuals.

Sec. 6. That all lands which are not sold for taxes, shall bear interest at the rate of fifty per cent per annum, and that before any person or persons shall hereafter dispute a tax title to any land or lands, in any suit at law or in equity, in any Court of this Territory, such person or persons, shall first have deposited with the Clerk of the Board of County Commissioners of the county in which such land or lands shall be situated, the amount of the original tax, costs and charges, with interest at the rate of fifty per cent. per annum thereon.

Sec. 7. That the fifty-first section of the act to provide for assessing and collecting County and Territorial Revenue, approved February 13th, 1843, and all acts or parts of acts, contravening the provisions of this act, be and the same are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its passage.

Which was decided in the negative.

Yeas 4, Nays 20.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Bonney, Culbertson, Hackleman, and Wright.

Those who voted in the negative are,

Messrs. Baker, Brierly, Borland, Brophy, Fay, Foley, Grimes, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Rogers, Smyth, Steele, Thompson, Wilson, Wray, and Carleton, (Speaker.)

A motion was made by Mr. Thompson, to add the following to the 19th section:

"With the exception of improvements made by clearing up, fencing and breaking such lands."

And was decided in the negative.

Yeas 7, Nays 17.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are



Messrs. Fay, Grimes, McCleary, Robb, Steele, Thompson, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Foley, Hackleman, Johnson, Mitchell, Nowlin, Roberts, Rogers, Smyth, Wilson, Wray, and Wright.

The bill was then ordered to be engrossed and read a third time on Monday next.

Yeas 19—Nays 5.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Brierly, Brophy, Fay, Grimes, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Smyth, Steele, Thompson, Wilson, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Bonney, Borland, Culbertson, Hackleman, and Rogers.

No. 40, C. F. "A Bill to amend an act entitled, An act to abolish imprisonment for debt."

Was read a second time; and after being amended,

The 42d rule was suspended, and the bill read a third time and passed.

A motion was made by Mr. Rogers, to re-consider the vote by which an amendment, offered by Mr. Fay, was rejected, when,

On motion of Mr. Nowlin,

The motion to re-consider was laid on the table.

The following bills, to wit:

No. 46, C. File, "A Joint Resolution for the relief of F. M. Irish."

No. 50, C. F. "A Bill to revive an act entitled An act to review a part of a Territorial Road from Fort Madison, in Lee county, to Iowa-ville, in Van Buren county."

No. 58, C. File, "A Bill to change a part of a Territorial Road running from Burlington to the mouth of the Des Moines river;"

Were severally read a second time, and ordered to be read a third time to-morrow.

The following bills and Resolutions, to wit:

No. 47, C. F. "A Joint Resolution relative to the University Lands of Iowa."

No. 51, C. F. "A Bill to amend an act entitled An act concerning costs and fees;"

No. 57, C. F. "A Joint Resolution, relative to the re-publication of a certain act."

Were severally read a second time, and laid upon the table.

The following bills, to wit:

No. 48, C. File, "A Bill to amend certain acts relating to Roads and Highways;"

No. 49, C. F. "A Bill to vacate a part of the town of Parkhurst;"

Were severally read a second time, and the 42d rule suspended for the time being, and the bills read a third time, and passed.



No. 53, C. File, "A Bill donating to the Baptist Church of Iowa City a certain lot of ground."

Was read a second time.

A motion was made by Mr. Rogers, to indefinitely postpone the bill.

Which was decided in the negative.

Yeas 3, Nays 23.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative, are

Messrs. Grimes, Hebard, and Rogers.

Those who voted in the negative, are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Foley, Hackleman, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Smyth, Steele, Thompson, Walworth, Wilson, Wray Wright, and Carleton (Speaker.)

The bill was then ordered to be read a third time to morrow.

No. 18, H. R. File, "A Bill to amend an act entitled an act to incorporate the Scott County Hydraulic Company."

Was read a second time, when,

A motion was made by Mr. Grimes, to refer the bill to a Committee of the Whole House, and make it the order of the day for to-morrow.

Which was decided in the affirmative.

Yeas 16—Nays 10.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Borland, Brierly, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Robb, Roberts, Steele, Walworth, Wilson, Wray, and Carleton, (Speaker.)

Those who voted in the negative are

Messrs. Bonney, Brophy, Culbertson, Fay, Foley, Nowlin, Rogers, Smyth, Thompson, and Wright.

The following Bills, to wit:

No. 141, H. R. File, "A Bill to legalize the acts of John Peterson an acting Justice of the Peace."

No. 142, H. R. File "A Bill to amend an act entitled an act defining crimes and punishments,"

Were severally read a second time, and ordered to be engrossed and read a third time to-morrow.

No. 143, H. R. File, "A Bill to lay out a Territorial Road, from J. H. Jenkins' in Linn county, in a direction to the City of Dubuque."

Was read a second time, and,

On motion of Mr. Nowlin,

The 42nd. rule was suspended, and the bill was read a third time and passed.

No. 144, H. R. File, "A Bill to incorporate Iowa City."

Was read a second time, and,

Referred to the Committee on Corporations.

No. 145, H. R. File, "A Bill to amend an act entitled an act, con-



cerning Grand and Petit jurors,"

Was read a second time, and,

Referred to a Committee of the Whole House, and made the order of the day for Monday next.

No. 147, H. R. File, "A Bill to amend an act entitled an act to district the Territory of Iowa into electoral districts.

Was read a second time, and,

On motion of Mr. Brophy,

Referred to a Committee of the Whole House and made the order of the day for to-morrow.

No. 77, H. R. File, "A Bill to amend an act entitled an act, subjecting real and personal estate to execution."

Was read a second time, and after being slightly amended,

The question was put, Shall the bill pass?

It passed in the affirmative.

Yeas 16—Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Borland, Culbertson, Fay, Foley, McCleary, Nowlin, Rogers, Smyth, Steele, Thompson, Walworth, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Brophy, Grimes, Hackleman, Hebard, Johnson, Mitchell, Roberts, and Wilson.

The following Bills, to wit:

No. 126, H. R. File, "A Bill authorizing the raising of Dams in the Des Moines river."

No. 131, H. R. File, "A Bill for the relief of George Andrews."

No. 137, H. R. File, "A Bill to amend the Militia Law, so as to form a fourth division."

No. 138, H. R. File, "A Joint Resolution providing Seals, for the Courts in the new counties."

No. 139, H. R. File, "A Bill to form a fourth Judicial District."

Were severally read a third time and passed.

No. 140, H. R. File, "A Bill to authorize evidence by the oath of parties."

Was read a third time, and,

On motion of Mr. Nowlin,

Laid on the table,

A Message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

The Council have passed, with amendments,

No. 99, H. R. File, "A Bill declaring a certain Road therein named, a public highway,"

No. 41, H. R. File, "A Bill to organize the county of Wapello."

No. 59, C. F. "A Bill to legalize the acts of George H. Jennison, an acting Justice of the Peace, in Jefferson county."

Also, without amendment.



No. 74, H. R. "Joint Resolutions, relative to Mail routes Nos. 4228 and 4506."

No. 105, H. R. File, "A Bill to locate a Territorial Road, from Iowa City, to the seat of Justice of Mahaska county."

No. 118, H. R. File, "A Bill to locate a Territorial Road, from Deed's Mill in Jefferson county, to Crippen's Mill in Washington county."

I herewith present for your signature,

An act to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State Constitution, for the State of Iowa.

An act to incorporate the board of Trustees of the Congregational Church and Society of Burlington."

An act to locate a Territorial Road, from the Southern line of Davis county, to the northern line of Wapello county.

And then he withdrew.

The Speaker signed the above named acts.

And then the House adjourned until to-morrow at 10 o'clock, A. M.

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### Saturday Morning, February 10, 1844.

On motion of Mr. Brierly,

Resolved, That the Hon. James P. Carleton, be allowed the sum of three dollars per day for his services as Speaker of this House, during the present session.

Mr. Mitchell gave notice, that he would on Monday next, introduce

A Bill to authorize boards of County Commissioners to vacate town plats; also,

A Memorial to the Post Master General of the U. S. to increase the service on Mail Routes, Nos. 4509 and 4510, in this Territory.

Mr. Fay, on leave, introduced

No. 149 H. R. File, "A Bill granting license to Pedlars,"

Which was read a first time, and,

On motion of Mr. Fay,

The 42nd. rule was suspended, and the Bill read a second time, and referred to a Committee of the Whole House, and made the order of the day for this afternoon.

Mr. Smyth, from the Select Committee appointed on the subject, reported,

No. 150, H. R. File, "A Bill to authorize the Judge of Probate of Linn county, to make a Record of the proceedings of said Court."

Which was read a first time.



Mr. Grimes, from the Committee on the Judiciary, reported back No. 144, H. R. File "A Bill to incorporate Iowa City."

And recommended that the bill be referred to the delegation from Johnson county."

Which was not agreed to.

On motion of Mr. Bonney,

Ordered That the Bill be referred to the Committee on Corporations, with instructions to condense the same.

A motion was made by Mr. Johnson, to suspend the rules for the time being, for the purpose of taking from the table

No. 64, H. R. File, "A Bill authorizing the Territorial Agent to sell Lots in Iowa City, to discharge the debt due the Miners' Bank of Dubuque."

Which was agreed to.

The bill was then referred to a Select Committee, viz:

Messrs. Johnson, Smyth and McCleary.

A motion was made by Mr. Thompson, to suspend the rules for the time being, for the purpose of taking from the table.

No. 93, H. R. File, "A Memorial to Congress for a donation of land for the Mount Pleasant Institute,"

Which was agreed to.

On motion of Mr. Thompson,

Ordered, That the Bill be referred to the Delegation from Henry county."

A motion was made by Mr. Brierly, to suspend the rules for the time being, for the purpose of taking up

No. 115, H. R. File "A Bill for the formation of the county of Jasper,"

And reading the same a third time now;

Which was agreed to.

The bill was then read a third time.

A motion was made by Mr. Grimes, to strike out the word "Jasper," wherever it occurs and to insert the word "Madison."

Which was agreed to.

The question was then put, Shall the Bill pass.

It passed in the affirmative.

Yeas 20—Nays 2.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Brierly, Brophy, Culbertson, Fay, Foley, Grimes, Hackleman, Mitchell, Nowlin, Robb, Roberts, Rogers, Smyth, Thompson, Walworth, Wilson, Wray, Wright, and Carleton (Speaker.)

Those who voted in the negative are,

Messrs. Bonney and McCleary.

No. 41, H. R. File, "A Bill to organize the county of Wapello," as amended by the Council was concurred in.

No. 99, H. R. File, "A Bill declaring a certain Road therein named a public Highway."



As amended by the Council was concurred in.

No. 59, C. File, "A Bill to legalize the acts of George H. Jennison, an acting Justice of the Peace in Jefferson county."

Was read a first time.

No. 18, H. R. File, An act to incorporate the Scott county Hydraulic Company, being the order of the day, was referred to a Committee of the Whole House for the consideration of the same.

And after sometime spent therein,

Mr. Speaker resumed the chair, and Mr. Grimes reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments.

A motion was made by Mr. Grimes, to strike out all after the enacting clause, and insert the following; to wit:

That Antoine Le Claire, George L. Davenport, John Owens, Ambrose C. Fulton, James Davenport, Egbert S. Burrows, Jabez A. Birchard, Jr., and Harvey Leonard be, and they are hereby appointed commissioners, to receive subscriptions for the capital stock of the company hereby incorporated, who, or a majority of them, shall open subscription books at Davenport, and at such other places, and at such times as they shall deem expedient, for receiving subscriptions for said stock, having first given sixty days notice, in one or more of the newspapers published in this Territory, of the time and place designated for receiving such subscriptions, at which time and place, one or more of said commissioners shall attend, and said subscription books shall be kept open until at least ten thousand dollars of said stock shall have been subscribed for. Each subscriber at the time of subscribing, shall pay to the commissioners five dollars upon each share of stock taken by him, and as soon as a Board of Directors shall be elected, the said commissioners shall deliver over to said directors the subscription books and moneys received on said stock.

Sec. 2. So soon as ten thousand dollars of said stock shall have been subscribed for as aforesaid, the said commissioners, or a majority of them shall call a meeting of the stockholders, to elect a board of seven Directors, and shall give at least sixty days notice in one or more of the newspapers printed in this Territory, of the time and place designated for holding said election, and said commissioners or a majority of them, shall attend and conduct said election, which shall be by ballot, and the commissioners who may preside as aforesaid, shall certify the result of said election under their hands, which certificate shall be recorded in the books of the company, and shall be sufficient evidence of the election of said directors. All subsequent elections shall be held in the town of Davenport, at such times, and be conducted in such manner as shall be provided for in the bye-laws of said corporation. Provided, That each stockholder shall be allowed as many votes as he shall own shares of stock at the commencement of any such election, and a plurality of votes shall determine the choice. The said directors, so elected, shall hold their offices for one year, and until their successors are elected and qualified, and they shall elect one of their number to be President of said board.



Sec. 3. All such persons as shall become stockholders in the corporation hereby created agreeably to the provisions of this act shall be, and they are hereby created a body politic and corporate by the name of the "Scott County Hydraulic Company," and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded in any court of law or equity, may take, acquire, purchase, hold, use, enjoy, sell, transfer, and convey real, personal, and mixed estate, and property, may make and use a common seal, and alter and change the same at pleasure, may make all such bye-laws, rules, and regulations for the government and management of the business and affairs of said corporation, the transfer and use of its capital stock and funds as may from time to time be deemed necessary, not repugnant to the Constitution and laws of the United States or of this Territory, and may appoint and employ a Secretary, Treasurer, Engineer, and such other subordinate officers, agents, and servants, as the business of said corporation may require under the bye-laws of said Corporation.

Sec. 4. The capital stock of said company shall be one hundred thousand dollars, and shall be divided into two thousand shares of fifty dollars each, and said shares shall be deemed personal property. The board of directors shall have power to collect the stock subscribed for under such regulations as may be prescribed by the bye-laws of said company by instalments not exceeding ten dollars on each share of stock, after having given thirty days' notice in some newspaper, printed in this Territory of the time when any such instalment will be required to be paid; and if any stockholder shall neglect or refuse to pay any such instalment, the directors are hereby empowered to sue for, and collect the same in an action of assumpsit in any court having jurisdiction thereof, or the directors shall have power to forfeit any such share or shares of stock to the use of said company at their election, after the expiration of sixty days from the time payment may have been required as aforesaid, unless the said instalment shall have been previously paid until one-half of each share of stock shall be paid, after which no forfeiture of stock shall take place.

Sec. 5. The stockholders shall hold an annual meeting at Davenport, at such time as shall be provided for in the bye-laws for the election of directors and the transaction of such other business as may require the action of the stockholders and the board of directors, or a majority of them may call special meetings of the stockholders under such regulations as the bye-laws may prescribe, and at any such meeting the stockholders may require a full report of the condition and finances of said company, and the books, papers, and records of the said company shall, at all times, be open to the inspection of the company, or any committee or individual member thereof.

Sec. 6. The said company shall have the right, and is hereby empowered to construct, maintain, and continue in use, a canal of sufficient dimensions to answer the objects and purposes of said corporation, from some point on the Mississippi river, at or near to Smith's Island (so called) on the upper, or Rock Island rapids of said river to



some point at or near the town of Davenport; said canal to be constructed so as best to answer the objects and purposes of said corporation in the application of the water that may flow through the same, to any and every hydraulic purpose to which it may be deemed expedient by said company to apply the same, to make all such dams, gates, locks, feeders, bridges, culverts, embankments, and other necessary works for the free use of the water that may flow through said canal for the propelling of mills, factories, and machinery of every description that it may be judged expedient to erect or cause or permit to be erected, at any point on said canal; and said company is hereby authorized by its officers, agents, engineers, or servants, to enter upon any land, by and with the consent of the owners thereof, deemed necessary for any of the purposes aforesaid, and cause a survey of the whole line of said canal and of the lands necessary for the purposes aforesaid, to be made, and plat thereof to be constructed, delineating thereon the metes, bounds, courses, and distances over or through the land of each and every owner thereof, through which the said canal is required to pass, and the exact quantity of land required for the construction and use of said canal belonging to each; but said company shall not construct said canal, or any portion thereof, or any of the works aforesaid, upon or through the land of any person or persons, without first purchasing from the owner thereof the land necessary to be used for the construction of said canal or other works aforesaid.

Sec. 7. The said company is hereby authorized to erect any mills, factories, and other machinery, at any point on the line of said canal, that it may deem expedient, and to take from the Mississippi river the necessary water for propelling the same; provided, that in so doing, the free navigation of said river shall not be injured or obstructed; and the said company is hereby authorized to sell, convey, lease, or otherwise dispose of, and appropriate, all or any portion of the water power with the privileges and appurtenances thereunto belonging, created by said canal, and if any public road or highway shall cross said canal, said company shall construct good and sufficient bridges over said canal, at every point where such road crosses the same, and shall at all times keep the said bridges in good repair.

Sec. 8. No person shall be eligible to the office of a director of said company who is not a stockholders therein, at the time of his election, and during his continuance in office. All vacancies occurring in said Board of Directors, from whatever cause, shall be filled in the manner prescribed in the bye-laws.

Sec. 9. That if at any time hereafter, the Government of the United States, shall deem it expedient, to construct a Steam Boat canal, around said upper rapide of the Mississippi on the Iowa side thereof, the said government of the United States, may take or purchase the canal and other works aforesaid, authorized to be constructed by this act, upon such terms and for such a price, as the Congress of the United States may deem just and equitable, and if the Legislature of Iowa shall at any time hereafter, charter a company for the construction of



such Steam Boat canal, said company may at its election purchase the canal and other works hereby authorized to be constructed by this act, for such sum, and upon such terms, as may be agreed upon by said companies, and in case of their inability, to agree said price and terms to be settled and fixed by five disinterested persons, each company selecting two, and the four thus selected, choosing the fifth.

Sec. 10. If any private individual shall be injured by any violation of this charter by the said company, he may file in the office of the clerk of the district court of Scott county, his written information, specifying the said violation and injury complained of, a certified copy of which shall be served on said company in the manner prescribed by law for serving process on corporations, and the said district court shall, at the next term thereof, unless continued for good cause, hear and determine such charges and specifications, and if the same shall be found to be true, enter judgment against said company for the amount of damages sustained by such person, and may also enter a judgment of forfeiture of the rights and privileges hereby granted.— Provided, however, that such company shall have a reasonable time allowed by the court, not less than one year from the date of such judgment, to wind up and settle its affairs, and for that purpose may act under its corporate name and the provisions of this act.

Sec. 11. That an act entitled "An act to incorporate the Scott County Hydraulic Company," approved, 21st January, 1843, be, and the same is hereby, repealed.

Which was decided in the affirmative.

Yeas 16, Nays 9.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative, are

Messrs. Bonney, Borland, Brierly, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Robb, Roberts, Rogers, Walworth, Wilson, Wray and Carleton (Speaker.)

Those who voted in the negative, are

Messrs. Baker, Brophy, Culbertson, Fay, Foley, Nowlin, Smyth, Thompson, and Wright.

And after debate,

A motion was made by Mr. Nowlin, to postpone the consideration of the bill until the first Monday in August next.

Which was agreed to.

Yeas 14—Nays 11.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Fay, Foley, Hackleman, Johnson, Nowlin, Rogers, Smyth, Thompson, and Wright.

Those who voted in the negative, are

Messrs. Brierly, Grimes, Hebard, Mitchell, McCleary, Robb, Roberts, Walworth, Wilson, Wray, and Carleton, (Speaker.)

No. 130, H. R. File, "A Bill to amend an act for the organization



of townships, being the order of the day, was referred to a Committee of the Whole House.

And after sometime spent therein,

Mr. Speaker resumed the chair, and Mr. Baker reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments.

On motion of Mr. Johnson,

Ordered, That the Bill be laid on the table.

No. 140, H. R. File, "A Bill to amend an act entitled an act, to district the Territory into electoral Districts, and to apportion the the representation of each," being the order of the day.

A motion was made by Mr. Wilson, to postpone the consideration of said bill until Monday next.

Which was decided in the affirmative.

Yeas 14—Nays 10.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Grimes, Hackleman, Hebard, Johnson, Mitchell, Robb, Roberts, Smyth, Thompson, Walworth, Wilson, Wray, Wright and Carleton, (Speaker.)

Those who voted in the negative are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, McCleary, Nowlin, and Rogers.

Mr. Grimes moved a suspension of the rules, for the purpose of taking from the table

No. 140, H. R. File, "A Bill to amend an act entitled an act, to authorize evidence by the oath of parties."

Which was agreed to.

The question was put, Shall the bill pass?

It passed in the affirmative.

Yeas 13—Nays 11.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Brierly, Culbertson, Grimes, Hebard, Mitchell, McCleary, Robb, Thompson, Walworth, Wilson, Wray, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Bonney, Borland, Brophy, Fay, Hackleman, Johnson Nowlin, Roberts, Rogers, Smyth, and Wright.

No. 10, H. R. File, "A Bill to provide for and regulate writs of error *coram nobis*."

Was read a second time, and,

Ordered to be engrossed and read a third time on Monday next.

On motion of Mr. Fay,

The House adjourned until 2 o'clock, P. M.



## 2 O'CLOCK, P. M.

A motion was made by Mr. Brierly, to reconsider the vote on the passage of

No. 140, H. R. File, "A Bill to amend an act to authorize evidence by oath parties," when,

On motion of Mr. Fay,

The motion to reconsider, was laid on the table.

Mr. Robb moved a suspension of the rules, for the purpose of introducing a bill to wit:

No. 151, H. R. File, "A Bill for assessing a Territorial tax and for other purposes."

Which was agreed to.

And the Bill read a first time, and,

Fifty copies ordered to be printed.

No. 146, H. R. File, "A Bill to legalize the acts of Justices of the Peace in certain cases"

Was read a second time; and,

Ordered to be engrossed and read a third time on Monday next,

Yeas 14, Nays 11.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Brierly, Culbertson, Grimes, Hebard, Mitchell, McCleary, Nowlin, Robb, Roberts, Smyth, Walworth, Wilson, Wray, and Wright.

Those who voted in the negative, are

Messrs. Baker, Bonney, Borland, Brophy, Fay, Foley, Hackleman, Johnson, Rogers, Thompson, and Carleton, (Speaker.)

Mr. Hebard, from the Committee on enrolled bills, reported, that they had examined,

An act to locate a Territorial Road, from Deed's Mill in Jefferson county, to Crippen's Mill in Washington county.

An act to locate a Territorial Road, from Iowa City, to the seat of Justice of Mahaska county.

Joint Resolutions, relative to mail Routes Nos. 4228 and 4506.

And found the same correctly enrolled.

The Speaker signed said acts.

A Message from the Council, by Mr. Wallace, their Secretary

Mr. SPEAKER:

The Council have passed

No. 55, C. F. "A Bill to authorize Sheriffs to make and execute deeds for land sold on execution under the redemption law."

No. 60, C. File, "A Bill to change the names of the counties of Appanose and Kishkakosh."



No. 61, C. F. "A Bill to amend the several acts incorporating the town of Fort Madison. Also, with amendments,

No. 54, H. R. "A Bill amendatory of an act entitled An act to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings."

Also, without amendment,

No. 37, H. R. File, "A Bill to legalize deeds and other instruments of writing."

No. 69, H. R. File, "A Bill to punish the obstructing the public roads," &c.

No. 79, H. R. File, "A Bill to legalize the location of a Territorial Road from Bellview to Iowa City."

No. 133, H. R. File, "A Bill to incorporate the Washington Lyceum of Jackson county."

The Council have also passed

No. 62, C. F. "A Bill to legalize a road from Denson's Ferry, in Cedar county, to the southern boundary of said county;"

No. 66, C. F. "A Bill relative to the town plat of Fredonia, in Louisa county."

Also, with amendments,

No. 117, H. R. File, "A Bill to locate and establish a Territorial Road from Brighton, to intersect the road from Mt. Pleasant to Washington county."

No. 134, H. R. File "An act to locate a Territorial Road from Wilson's Mill, in Henry county, to Glasgow, in Jefferson county."

No. 125, H. R. File, "A Bill to incorporate the Mount Pleasant Lyceum."

No. 132, H. R. File, "An act to perfect the collection of Taxes in Louisa county." Also,

No. 63, C. F. "An act to re-locate a part of the Territorial Road running from Fort Madison to Iowaville, on the Des Moines river."

Also, without amendment,

No. 121, H. R. File, "A Bill to vacate a part of the Town of Solon, in Johnson county."

No. 124, H. R. File, "A Bill for the relief of G. W. Cummins."

No. 129, H. R. File, "A Bill to lay out a Territorial Road from Delhi, in Delaware county, to Cascade, in Dubuque county."

I herewith present for your signature,

Memorial to Congress, requiring the Governor and Secretary to keep their offices at Iowa City.

Memorial to Congress, for an appropriation of land to complete the Iowa Penitentiary.

An act to allow John Godden and others, of Van Buren county, further time to construct a Dam across the Des Moines river, at Pittsburgh, in said county.

An act to incorporate the Dubuque Mining Company.

I also herewith return

A Memorial to Congress, for the establishment of a Mail Route from



Galena, Ill., via Bellview, to Iowa City.

A Memorial to Congress, for a Township of land for the Jackson County Academy.

An act amendatory of an act entitled "An act for the relief of the Poor."

An act to authorize Hugh Boyle & Ralph Bissell to erect a Dam across Skunk river, in Henry county.

An act to authorize the payment of the expenses, of laying out a certain Territorial Road.

An act to legalize the location of a Territorial Road from Davenport to Bellview.

An act to authorize the administrators of John Jones, deceased, to make a title to certain real estate, in Grandview, Louisa county.

An act to lay out and establish a Territorial Road from the Cedar Rapids, in Linn county, to the Rapids on the Wapesipinicon river, in Buchanan county.

An act to amend an act entitled 'An act for the incorporation of the town of Farmington,' &c.

An act to establish the time of holding the several District Courts in the several Judicial Districts in this Territory.

An act to legalize the acts of Justices of the Peace and Constables, in certain cases.

An act to lay out a Territorial Road from Bennett's Mill, in Buchanan county, to, or near, William Myers', in Dubuque county.

An act to amend an act entitled 'An act to establish a Ferry across the Mississippi river, in this Territory,' &c.

All of which have been signed by the President of the Council.

The Council have indefinitely postponed

No. 94, H. R. File, "A Bill to amend an act entitled 'An act regulating Mills and Millers,'" approved Feb. 3, 1843. Also,

No. 96, H. R. File, "A Bill to incorporate the Mt. Pleasant Collegiate Institute."

And then he withdrew.

The Speaker signed the acts, &c., presented for his signature.

The following bills, to wit:

No. 135, H. R. File, "A Bill to authorize Sheriffs and Collectors of taxes to make deeds in certain cases."

No. 141, H. R. File, "A Bill to legalize the acts of John Peterson as Justice of the Peace."

No. 46, C. File, "A Joint Resolution for the relief of F. M. Irish."

No. 50, C. F. "A Bill to revive an act entitled 'An act to review and establish a part of a Territorial Road, leading from Fort Madison to Iowaville.'"

No. 58, C. File, "A Bill to change a part of a Territorial Road from Burlington to the mouth of the Des Moines river,"

Were severally read a third time and passed.

No. 53, C. F. "A Bill donating to the Baptist Church of Iowa City a certain lot of ground therein named," was read a third time;



And the question being put,  
Shall the Bill pass?  
It passed in the affirmative.

Yeas 21—Nays 3.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Bonney Brierly, Borland, Brophy, Culbertson, Fay, Foley, Hackleman, Johnson, Mitchell, McCleary, Robb, Roberts, Smyth, Thompson, Walworth, Wilson, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Grimes, Hebard, and Rogers.

No. 142, H. R. File, "A Bill to amend an act entitled 'An act defining Crimes and Punishments,'"

Was read a third time, and,

On motion of Mr. Grimes,

Referred to the Committee on the Judiciary.

Mr. Walworth, on leave, introduced,

No. 152, H. R. File, "A Bill to incorporate the Wapesipinicon Bridge Company."

Which was read a first time.

No. 149, H. R. File, "A Bill granting license to Pedlars," being the order of the day, was referred to a Committee of the Whole House for the consideration of the same.

And after sometime spent therein, Mr. Speaker resumed the Chair, and Mr. Foley reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments.

The House concurred in the amendments of the Committee.

The question was then taken on the engrossment of the bill, and decided in the affirmative.

Yeas 20, Nays 3.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brierly, Borland, Culbertson, Fay, Foley, Grimes, Hackleman, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Rogers, Smyth, Thompson, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Baker, Bonney, and Brophy.

On motion of Mr. Robb,

No. 111, H. R. File "A Bill to provide for the payment of costs in certain cases,"

Was taken from the table.

Several amendments being proposed by Mr. Grimes and Mr. Nowlin, it was,

On motion of Mr. Rogers,

Ordered, That the bill and amendments be laid on the table and printed.



No. 51, C. F. "A Bill to amend an act concerning Costs and Fees,"  
Was read a third time and laid on the table.

Mr. Wilson, on leave, offered the following:

Resolved, That no business of a general nature shall be introduced into this House, after the 13th inst., and no business of a local character, after the 14th inst.

Which was disagreed to.

The following bills, to wit:

No. 54, H. R. File "A Bill to amend an act entitled 'An act to provide for the election of Justices of the Peace,' &c.

No. 117, H. R. File, "A Bill to locate a Territorial Road from Brighton, in Washington county, to intersect the road from Mount Pleasant to Washington, in Washington county."

No. 125, H. R. File, "A Bill to incorporate the Mount Pleasant Lyceum."

No. 132, H. R. File, "A Bill to perfect the collection of taxes in Louisa county."

No. 134, H. R. File, "A Bill to locate a Territorial Road from Wilson's Mills, in Henry county, to Glasgow, in Jefferson county,"

Being returned from the Council with sundry amendments, were taken up, considered, and concurred in.

Mr. Thompson, on leave, introduced

No. 153, H. R. File, "A Bill to provide for taking the census of the Territory in 1844,"

Which was read a first time.

No. 86, C. F. "A Bill relative to the town plat of Fredonia in Louisa county,"

Was read a second time, and,

On motion of Mr. McCleary,

The 42d rule was suspended, and the bill read a second and third time and passed.

On motion of Mr. Wilson,

The House adjourned until Monday morning at 9 o'clock.

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### Monday Morning, February 12, 1844.

A motion was made by Mr. Johnson, to reconsider the vote taken on Saturday last, by which the House concurred in the following section, added by the Council, to

No. 54, H. R. File, "A Bill to amend an act entitled an act, to provide for the election of Justices of the Peace," &c.

Sec. 16. Nothing in this act shall be so construed as to affect in any manner, suits instituted before Justices of the Peace, under the act to



which this is amendatory, but all suits so instituted, shall be prosecuted to final determination, in the same manner as if this act had not been passed.

Which was agreed to.

Yeas 13, Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Brierly, Culbertson, Fay, Grimes, Hackleman, Hebard, Johnson, Roberts, Smyth, Thompson, Wilson, and Wright.

Those who voted in the negative, are

Messrs. Bonney, Borland, Mitchell, McCleary, Robb, Rogers, Wray and Carleton (Speaker.)

A motion was made by Mr. Smyth, to amend the amendment of the Council by inserting after the word instituted, previous to the taking effect of this act, which was agreed to.

The question then recurred, on concurring in the amendment of the Council as amended.

And was decided in the affirmative.

Yeas 17, Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Bonney, Brierly, Borland, Brophy, Grimes, Hackleman, Hebard, Johnson, McCleary, Nowlin, Robb, Roberts, Rogers, Smyth, Walworth, Wright, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Baker, Culbertson, Fay, Foley, Mitchell, Thompson, Wilson and Wray.

Mr. Hebard from the Committee on Enrolled Bills, reported, that they had presented to the Governor for his approval,

An act to amend an act entitled an act, to amend an act entitled an act, for the incorporation of the town of Mount Pleasant, in Henry county.

An act to organize the county of Delaware, and to provide for holding court in the same.

An act for the relief of Rev. Isaac Searles.

An act for the relief of Wm Parvin, Collector of Muscatine county.

An act defining the Jurisdiction of the Supreme Court, and regulating the practice therein.

An act for the improvement of Sheep.

And that the Governor had approved the same.

Mr. Hackleman presented the account of William Sheets & Co., amounting \$382,50, for paper furnished the Legislative Assembly.

Which was referred to the Committee on Expenditures.

Mr. Grimes presented the account of James G. Edwards, amounting to \$13, for newspapers furnished the members.

Which was referred to the Committee on Expenditures.

Mr. Wilson, on leave, introduced

No. 154, H. R. File, "A Joint Resolution, to provide for the print-



ing of the act amendatory to the Justices law."

Which was read a first time.

Mr. Brierly asked leave of absence for Mr. Steele,

Which was granted.

Mr. Hackleman, on leave, introduced,

No. 155, H. R. File, "A Resolution to provide for the Printing of the laws.

Which was read a first time,

Mr. Mitchell, on leave, introduced

No. 156, H. R. File, "A Bill to authorize Boards of County Commissioners, to vacate town plats."

Mr. Johnson from the Select Committee appointed on the subject, reported back with amendments,

No. 64, H. R. File, "A Bill authorizing the Territorial Agent, to sell lots in Iowa City, to discharge the debt due the Miners' Bank of Dubuque."

Which were read a first time.

Mr. Walworth from the Committee on Engrossed Bills, reported, that they had examined Nos. 10 and 11, H. R. File, and found the same correctly engrossed.

Mr. Grimes moved a suspension of the rules, for the purpose of taking up, and reading a third time now,

No. 11, H. R. File, "A Bill to provide for assessing and collecting Public Revenue."

Which was agreed to.

The Bill was then read a third time.

And the question being put, Shall the Bill pass?

It passed in the affirmative.

Yeas 19—Nays 6.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Brophy, Fay, Foley, Grimes, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Rogers, Smyth, Thompson, Wilson, Wray, and Carleton, (Speaker.)

Those who voted in the negative are

Messrs. Bonney, Borland, Culbertson, Hackleman, Walworth, and Wright.

Mr. Robb from the Committee on Enrolled Bills, reported, that they had examined,

An act to locate a Territorial Road from Wilson's Mills, in Henry county, to Glasgow, in Jefferson county.

An act to organize the county of Wapello."

An act to lay out a Territorial Road from Delhi, in Delaware county, to Cascade, in Dubuque county.

An act declaring a certain road therein named a Public Highway.

An act to legalize Deed's and other instruments of writing.

An act to legalize the location of a Territorial Road from Bellview to Iowa City.



An act for the relief of G. W. Cummins.

An act to vacate a part of the Town of Solon.

And found the same correctly enrolled.

The Speaker signed said acts.

Mr. Walworth, on leave, presented the petition of 123 citizens of the counties of Cedar, Jones and Linn, praying that an act may be passed, to so change the said electoral district, that Linn county may elect one member, and the counties of Cedar and Jones one member, to the House of Representatives.

Which was referred to the delegation from said district.

The following Bills, to wit:

No. 55, C. F. "A Bill to authorize Sheriffs to make and execute deeds."

No. 60, C. File. "A Bill to change the names of the counties of Appanoose and Kishkakosh."

No. 61, C. F. "A Bill to amend the several acts incorporating the town of Fort Madison."

No. 62, C. F. "A Bill to legalize a road from Denson's Ferry, in Cedar county, to the southern boundary of said county;"

No. 63, C. F. "An act to re-locate a part of the Territorial Road running from Fort Madison to Iowaville, on the Des Moines river."

Were severally read a first time.

No. 145, H. R. File, "A Bill to amend an act entitled an act, concerning Grand and Petit Jurors, approved, Jan. 4th. 1839 "

Being the order of the day was referred to a Committee of the Whole House for the consideration of the same.

And after sometime spent therein,

Mr. Speaker resumed the chair, and Mr. Robb reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments.

The House concurred in the amendments of the Committee.

On motion of Mr. Mitchell,

Ordered, That the Bill be referred to a Select Committee with instructions to report to-morrow morning.

Whereupon, Messrs. Mitchell, Walworth and Thompson, were appointed said Committee.

A Message from the Council, by Mr. Wallace their Secretary,

MR. SPEAKER:

I am directed to inform the House, that the Council have appointed Messrs. Cook and Springer a Committee of conference, in relation to the disagreeing vote of the two Houses, upon,

No. 30, C. File, "A Bill to incorporate the Wappesipinicon Mill Company."

And request a similar Committee on the part of the House.

The Council have passed with amendments,

No. 115, H. R. File, "A Bill for the formation of the County of Madison;" also,

No. 125, H. R. File, "A Bill to authorize the raising of Dams on the Des Moines river."



In which I am directed to ask the concurrence of the House.  
And then he withdrew.

No. 147, H. R. File, "A Bill to amend an act entitled An act to District the Territory into electoral districts, and to apportion the representation of each,"

Being the order of the day, was referred to a Committee of the Whole House, for the consideration of the same.

And after sometime spent therein, Mr. Speaker resumed the Chair, and Mr. Smyth reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House without amendment.

And then the House adjourned until two o'clock, P. M.

## 2 O'CLOCK P. M.

The House resumed the consideration of No. 147, H. R., when,

On motion of Mr. Baker,

The Bill was laid on the table.

No. 153, H. R. File, "A bill to provide for taking a census of the Territory in 1844,"

Was read a second time.

A motion was made by Mr. Wilson, to refer the bill to a Select Committee of one from each Electoral District, with instructions to take into consideration the propriety of providing for taking the census by the Township Assessors, and to provide for an extra session of the Legislature in June next: Provided there should be a majority of the people against a State Government.

Which was decided in the negative.

Yeas 9, Nays 16.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brophy, Foley, Hackleman, Johnson, Nowlin, Rogers, Smyth, Walworth, and Wilson.

Those who voted in the negative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Fay, Grimes, Hebard, Mitchell, McCleary, Robb, Roberts, Thompson, Wray, Wright, and Carleton, (Speaker.)

A motion was then made by Mr. Baker, to refer the bill to a Select Committee of one from each Electoral District, with instructions to provide for taking the census by township or precinct Assessors, and to provide for holding an extra session of the Legislative Assembly, for the purpose of apportioning the members of the Council and House of Representatives among the several counties of this Territory.

Pending which,

A motion was made by Mr. Walworth, to include the following in said instructions:

Provided, That no charges shall hereafter be brought against this Territory, or future State of Iowa, for defraying the expenses of said extra session.



Which was agreed to—all the members voting therefor, except Messrs. Foley and Wilson.

The question was then taken on the adoption of Mr. Baker's motion as amended.

An decided in the affirmative.

Yeas 18—Nays 7.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Bonney Brierly, Borland, Culbertson, Fay, Grimes, Hebard, Johnson, Mitchell, McCleary, Robb, Smyth, Thompson, Walworth, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Brophy, Foley, Hackleman, Nowlin, Roberts, Rogers, and Wilson.

Whereupon, Messrs. Baker, Bonney, Hackleman, Wilson, Culbertson, McCleary, Fay, Walworth, Mitchell, Brophy, Foley, and Nowlin, were appointed said Committee.

No. 148, H. R. File, "A Memorial to Congress, asking for a change of the law relative to the intercourse with the Indians,"

Was read a second time, and,

On motion of Mr. Hebard,

The 42d rule was suspended, and the Memorial read a third time, and passed.

No. 156, H. R. File "A Bill to authorize the Judge of Probate of Linn county to make a record of the proceedings of said Court,"

Was read a second time.

On motion of Mr. Smyth,

Ordered, That the bill be engrossed and read a third time to-morrow.

No. 151, H. R. File "A Bill for assessing a Territorial Tax, and for other purposes,"

Was read a second time, and referred to a Committee of the Whole House for the consideration of the same.

And after sometime spent therein, Mr. Speaker resumed the Chair, and Mr. Walworth reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments.

The House concurred in the report of the Committee.

On motion of Mr. Baker,

Ordered, That the 42d rule be suspended, and the bill be read a 3d time now.

The bill was then read a third time, and passed.

No. 115, H. R. File "A Bill for the formation of the county of Madison,"

Being returned from the Council with amendments, they were considered, and all concurred in, except the striking out of the following section, to wit:

Sec. 12. The Court House at Fort Madison shall not be sold by the County Commissioners of said county, nor by their authority, for the space of eighteen months from and after the date hereof.



Which was disagreed to.

Yeas 6, Nays 19.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Culbertson, Robb, Roberts, and Wray.

Those who voted in the negative, are

Messrs. Bonney, Borland, Brophy, Fay, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Rogers, Smyth, Thompson, Walworth, Wilson, Wright, and Carleton, (Speaker.)

No. 125, H. R. File, "A Bill to provide for the raising of Dams in the Des Moines river, as amended by the Council, was concurred in.

No. 152, H. R. File, "A Bill to incorporate the Wapespinicon Bridge Company,"

Was read a second time.

A motion was made by Mr. Smyth, to strike out Sec. 7, and insert the following:

A toll is hereby granted and established for the benefit of said corporation, not to exceed the rates following, to wit: For each horse and rider, twelve and a half cents; for each sleigh, sled, cart, wagon, or other vehicle, drawn by one beast, the sum of eighteen and three-fourth cents; for each sleigh, sled, cart, wagon, or other vehicle, drawn by two beasts, the sum of twenty-five cents; for each additional beast, beyond two, in any sleigh, sled, cart, wagon, or other vehicle, the sum of six and a fourth cents; For droves of neat cattle, horses, mules, and asses, the sum of four cents each; for sheep and swine, two cents each.

Which was not agreed to.

The rule was then suspended, and the bill read a third time.

And the question being put, Shall the bill pass?

It passed in the affirmative.

Yeas 15—Nays 7.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Borland, Grimes, Hebard, Johnson, Mitchell, McCleary, Robb, Smyth, Thompson, Walworth, Wilson, Wray, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Brophy, Culbertson, Fay, Foley, Hackleman, Rogers, and Wright.

No. 59, C. F. "A Bill to legalize the acts of Geo. H. Jennison, an acting Justice of the Peace in Jefferson county,"

Was read a second time, and ordered to be read a third time tomorrow.

No. 47, C. File, "Joint Resolutions relative to the University Lands of Iowa Territory,"

Were read a second time.

A motion was made by Mr. Smyth, to strike out the name of Alfred Hebard, of Des Moines, and insert that of Samuel W. Durham, of Linn.



Which was agreed to.

On motion of Mr. Bonney,

Ordered, That the resolutions be laid on the table.

No. 57, C. F. "A Joint Resolution, relative to the republication of a certain act,"

Was read a second time.

A motion was made by Mr. Hackleman, to strike out all after the word "published,"

Which was agreed to.

A motion was made by Mr. Grimes, to suspended the rules for the time being for the purpose of reading the resolution a third time now.

Which was not agreed to.

Yeas 14—Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Borland, Culbertson, Foley, Grimes, Hackleman, Hebard, Johnson, Robb, Smyth, Thompson, Walworth, Wilson, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Baker, Bonney, Brophy, Fay, Mitchell, McCleary, Rogers, and Wray.

Two-thirds not voting therefor, the rules were not suspended.

Ordered, That the Resolution be read a third time to-morrow.

On motion of Mr. Mitchell,

The House adjourned until to-morrow morning at 9 o'clock.

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### **Tuesday Morning, February 13, 1844.**

A Message from the Council, by Mr. Wallace, their Secretary

Mr. SPEAKER:

I herewith present, for your signature,

An act to abolish imprisonment for debt;

An act to amend certain acts relating to Roads and Highways;

An act to vacate a part of the town of Parkhurst;

An act to locate a Territorial Road from Keosauqua, in Van Buren county, to the western line of Appanoose county;

I herewith return

An act to locate a Territorial Road from Iowa City, to the Seat of Justice of Mahaska county.

An act to locate a Territorial Road from Deed's Mills, in Jefferson county, to Crippen's Mill, in Washington county;

An act for the relief of Geo. W. Cummins;



An act to locate a Territorial Road from Wilson's Mill, in Henry county, to Glasgow, in Jefferson county;

An act to lay out a Territorial Road from Delhi, in Delaware county, to Cascade, in Dubuque county;

An act to legalize the location of a Territorial Road from Bellview to Iowa City;

An act to organize the county of Wapello;

An act to vacate a part of the town of Solon, in Johnson county;

An act to legalize Deeds and other instruments of writing;

Joint Resolutions relative to Mail Routes No. 4228 and 4506.

The Council have concurred in the amendment of the House to the amendment of the Council to the 16th section of

No. 54, H. R. File, "A Bill amendatory of an act entitled 'An act to provide for the election of Justices of the Peace,'" &c.

The Council have passed, with amendments,

No. 29, H. R. File, "A Bill to organize the county of Davis, and to provide for the location of the Seat of Justice thereof.

The Council have also passed

No. 65, C. F. "Joint Resolutions, authorizing Iowa City Fire Company No. 1, to occupy one room in the basement story of the Capitol.

Also, without amendment,

No. 75, H. R. File, "A Bill to define lawful fences."

No. 122, H. R. File, "A Bill to authorize the County Commissioners of Henry county, to vacate a part of Webster street in the town of Mt. Pleasant

No. 128, H. R. File, "An act amendatory of an act entitled an act, to regulate Conveyances," &c.

No. 139, H. R. File, "An act to form a fourth Judicial District."

No. 141, H. R. File, "A Bill to legalize the acts of John Peterson as Justice of the Peace.

No. 143, H. R. File, "A Bill to lay out a Territorial Road, from J. H. Jenkins' in Linn county, in a direction to the city of Dubuque."

And then he withdrew.

The Speaker signed the acts presented for his signature.

Mr. Fay presented the petition of sundry citizens of Muscatine county, praying the location of a Territorial Road from Musquito creek, via Moscow, to Marion, in Linn county.

Ordered, That said petition do lie upon the table.

Mr. Hackleman presented the accounts of various newspaper publishers for papers furnished the members of the House.

Also, the accounts of the several persons appointed at the organization, as pro tem officers.

Ordered, That said accounts be referred to the Committee on Expenditures.

On motion of Mr. Bonney,

Resolved, That James M. Wray be allowed pay as a member of this House, from the 4th day of December, 1843, to the 16th day of February, 1844.



Mr. Fay, on leave being granted, introduced  
No. 157, H. R. File, "A Bill to locate a Territorial Road, from Musquito creek, in Muscatine county via Moscow, in said county, to Hector Sterrett's, in Cedar county."

Which was read a first time.

On motion of Mr. Fay,

Ordered, That the rules be suspended, and that the bill be read a second and third time now.

The Bill was then read a second and third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

A motion was made by Mr. Wilson, to reconsider the vote disagreeing to the amendment of the Council to

No. 115, H. R. File "A Bill for the formation of the county of Madison,"

Which passed in the negative.

Yeas 10—Nays 14.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Culbertson, Hackleman, Robb, Roberts, Thompson, Wilson, Wray, and Wright.

Those who voted in the negative are

Messrs. Bonney, Borland, Brophy, Fay, Foley, Grimes, Johnson, Mitchell, McCleary, Nowlin, Rogers, Smyth, Walworth, and Carleton, (Speaker.)

Mr. Robb from the Committee on Enrolled Bills, reported, as correctly enrolled.

An act to punish the obstructing Public roads, &c.

A Bill to amend an act entitled an act to establish a ferry across the Mississippi in this Territory, approved, Jan. 18th, 1838."

An act to locate and establish a Territorial from Brighton in Washington county."

An act to perfect the collection of Taxes in Louisa county.

An act to incorporate the Mount Pleasant Lyceum.

An act authorizing the raising of dams on the Des Moines river.

An act to incorporate the Washington Lyceum of Jackson county.

The Speaker signed said acts.

Mr. Baker from the Select Committee to which was referred,

No. 153, H. R. File, "A bill to provide for taking a census of the Territory in 1844,"

Reported the same back with amendments,

Which were read a first time.

Mr. Walworth, from the Select Committee appointed on the subject, reported

No. 158, H. R. File, "A Bill to divide the counties of Cedar, Linn and Jones, into two Representatives Districts."

Which was read a first time.

Mr. Smyth, from the same Committee, made a report adverse to said bill, as follows:



The undersigned, one of the Select Committee, to whom was referred the petition of 123 citizens of Linn county, praying that the eighth Electoral District, composed of the counties of Cedar, Jones, and Linn, may be so divided that the counties of Cedar and Jones shall form one Representative District, and the county of Linn shall form the other Representative District, and together shall elect one member to the Council, begs leave to make the following report:

That in his opinion, it is inexpedient to grant the prayer of the petitioners for the following reasons, to wit:

The mutual arrangements heretofore have been such, that each of the counties have had a member of the Council or House resident therein, and that by a division, such would not be the case; but either the counties of Cedar and Jones would have one member to the House and the member to the Council, thus having three-fourths of the representation, although only half the population, and the county of Linn but one-fourth, to which she has submitted for the two last years, or the county of Linn would have the member to the Council and one to the House—thus having three-fourths of the resident representation, and giving the counties of Cedar and Jones but one representative, thus depriving one of the counties of a resident representative—a thing which none of said counties have ever heretofore been without.

The undersigned, therefore, believes that the present arrangement is much better, and more satisfactory, than any change this House could make; and as he did not come here to represent a part of said District, but the whole; and although a resident of Linn county, yet he cannot agree to anything that would deprive the counties of Cedar and Jones each to a member in the Legislative Assembly.

It was also well known that he was personally opposed to a division of the district, but gave them assurances that if a majority would ask for it, he would endeavor to obtain such division, although he believed it would not be to their advantage. No such instructions being given, and the separation being asked for by only a very small portion of the citizens of one of the three counties, he is persuaded that the citizens of the district do not desire such division.

He is also aware, that very many are positively opposed to any interference with our present arrangement.

For these reasons, together with the probability that we may, ere long, become a State, and have a different apportionment, he would respectfully solicit this House not to divide said District.

ROBERT SMYTH.

Mr. Mitchell, from the Select Committee to which was referred No. 145, H. R. File, "A Bill to amend an act entitled an act, concerning Grand and Petit Jurors, approved, Jan. 4th. 1839."

Reported the same back without amendments.

Mr. Mitchell, on leave, introduced

No. 159, H. R. File, "A Bill to amend an act entitled an act, to incorporate the town of Davenport."

On motion of Mr. Mitchell,



Ordered, That a Committee of Conference be appointed to confer with a similar Committee appointed by the Council relative to the disagreeing vote of the two Houses on,

No. 30, C. File, "A Bill to incorporate the Wappesipinicon Mill Company."

Whereupon, Messrs. Mitchell and Nowlin, were appointed said Committee.

No. 64, H. R. File, "A Bill authorizing the Territorial Agent to sell lots in Iowa City to discharge the debt due the Miners' Bank of Dubuque,"

As amended by the Select Committee, was concurred in.

The question then being on fixing the salary of the Territorial Agent at \$400.

It was agreed to.

Yeas 14, Nays 10.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Brophy, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Robb, Rogers, Walworth, Wilson, Wray and Carleton (Speaker.)

Those who voted in the negative, are

Messrs. Bonney, Brierly, Borland, Culbertson, Fay, Foley, Nowlin, Roberts, Smyth, and Wright.

On motion of Mr. Johnson,

Ordered, That the bill be engrossed and read a third time now.

The Bill was then read a third time and passed.

No. 154, H. R. File, "A Joint Resolution, to provide for the printing of the act amendatory to the Justices law."

Was read a second time, and,

On motion of Mr. Fay,

Laid on the table.

No. 156, H. R. File, "A Joint Resolution to provide for the printing of the laws."

Were read a second time.

A motion was made by Mr. Carleton to strike out the words "James Clarke, publisher of the Iowa Territorial Gazette," and to insert the words "Hughes and Williams, publishers of the Capital Reporter."

A Division of the question was called for, first on striking out—and being put;

Was decided in the negative.

Yeas 10, Nays 14.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Roberts, Smyth, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell,



McCleary, Nowlin, Robb, Rogers, Walworth, Wilson, Wray, and Wright.

On motion of Mr. Rogers,

The rule was suspended, and the Resolution was read a third time and passed.

No. 156, H. R. File, "A Bill to authorize Boards of County Commissioners to vacate town plats."

Was read a second time, and,

On motion of Mr. Bonney,

The 42d rule was suspended and the bill read a third time and passed.

No. 55, C. F. "A Bill to authorize Sheriffs to make and execute deeds for land sold on execution under the redemption law."

Was read a second time.

And after being slightly amended, the rule was suspended, and the bill was read a third time and passed.

No. 60, C. File. "A Bill to change the names of the counties of Appanoose and Kishkakosh."

Was read a second time, and,

On motion of Mr. Bonney,

The consideration was postponed until the first Monday in August.

Yeas 17, Nays 7.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Hackleman, Hebard, Johnson, Mitchell, Roberts, Rogers, Smyth, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Foley, Grimes, McCleary, Nowlin, Robb, Walworth, and Wilson.

No. 61, C. F. "A Bill to amend the several acts incorporating the town of Fort Madison, and,

No. 63, C. F. "An act to re-locate a part of the Territorial Road running from Fort Madison to Iowaville, on the Des Moines river."

Were severally read a second time, and,

Ordered to be read a third time to-morrow.

No. 62, C. F. "A Bill to legalize a road from Denson's Ferry, in Cedar county, to the southern boundary of said county;"

Was read a second time, and,

On motion of Mr. Fay,

The 42d rule was suspended and the bill read a third time and passed.

The following bills, to wit:

No. 10, H. R. File, "A Bill to provide for and regulate writs of error *coram nobis*."

No. 149, H. R. File, "A Bill granting license to peddlars."

No. 150, H. R. File "A Bill to authorize the Judge of Probate of Linn county to make a record of the proceedings of said Court,"



No. 57, C. F. "A Joint Resolution relative to the republication of a certain act."

No. 59, C. F. "A Bill to legalize the acts of Geo. H Jennison, an acting Justice of the Peace."

No 65, C. F. "A Joint Resolution authorizing the Iowa City Fire Company No. 1 to occupy one room in the basement of the Capitol."

Were severally read a third time and passed.

Ordered, That the Council be informed accordingly.

No. 146, H. R. File, "A Bill to legalize the acts of Justices of the Peace in certain cases."

Was read a third time.

And the question being put, Shall the bill pass?

It passed in the affirmative.

Yeas 13—Nays 10.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Brierly, Culbertson, Grimes, Hebard, Mitchell, McCleary, Nowlin, Robb, Roberts, Smyth, Wilson, Wray and Wright.

Those who voted in the negative are,

Messrs. Baker, Bonney, Borland, Brophy, Fay, Foley, Hackleman, Johnson, Rogers, and Carleton (Speaker.)

No. 29, H. R. File, "A Bill to organize the county of Davis, and to provide for the location of the Seat of Justice thereof;"

Being returned from the Council with amendments,

A motion was made by Mr. Bonney, to disagree to the striking out the name of John Rager and inserting the name of David Laughry; Which was carried.

No. 111, H. R. File, "A Bill to amend an act entitled 'An act concerning costs and fees,'"

Was referred to a Committee of the Whole House for the consideration of the same.

And after sometime spent therein, Mr. Speaker resumed the Chair, and Mr. Bonney reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments.

And then the House adjourned until two o'clock, P. M.

## 2 O'CLOCK P. M.

The House resumed the consideration of

No. 111, H. R. File, and the amendments of the Committee of the Whole House were concurred in.

A motion was made by Mr. Brophy, to add the following to sec. 7.

And each witness for a day's attendance before the District Court, in criminal cases, shall be allowed

Attendance before Justices' Court, \$1.00

Which was agreed to. 50

Yeas 18, Nays 5.



The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Borland, Brophy, Grimes, Hebard, Johnson, Mitchell, Nowlin, Robb, Roberts, Rogers, Smyth, Thompson, Wilson, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Bonney, Culbertson, Fay, Hackleman, and McCleary.

A motion was made by Mr. Baker, to add the following section, viz:

That all laws heretofore passed, which require officers, jurors, or witnesses to serve without fee, except in cases where the prisoner is found guilty, be, and the same are hereby, repealed.

Which was disagreed to.

Yeas 11—Nays 13.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Baker, Bonney Brierly, Borland, Brophy, Culbertson, Johnson, McCleary, Rogers, Wray, and Wright.

Those who voted in the negative are,

Messrs. Fay, Grimes, Hackleman, Hebard, Mitchell, Nowlin, Robb, Roberts, Smyth, Thompson, Walworth, Wilson, and Carleton, (Speaker.)

A motion was made by Mr. Rogers, to strike out the following sec.

That from and after the passage of this act, the Territory shall, in no case, pay any costs for any criminal prosecution hereafter had, whether the prosecution fails or not.

Which was decided in the negative.

Yeas 9—Nays 15.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brophy, Culbertson, Fay, Nowlin, Rogers, Smyth, Walworth, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Bonney, Brierly, Borland, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Robb, Roberts, Thompson, Wilson, Wray, and Wright.

The rule was then suspended, and the bill read a third time.

And the question being put, Shall the bill pass?

It passed in the affirmative.

Yeas 14—Nays 10.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Brophy, Grimes, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Roberts, Smyth, Thompson, Walworth, Wilson, and Wright.

Those who voted in the negative, are

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Fay, Hackleman, Rogers, Wray, and Carleton, (Speaker.)

Mr. Grimes, from the Committee on Corporations, reported



No. 160, "A Bill to revive a certain act herein named,"

Which was read a first time, and the rules suspended and the bill read a second and third time, and passed.

A motion was made by Mr. Fay, to take from the table a motion made some days since to reconsider the vote on the passage of

No. 140, H. R. File, "A Bill to authorize evidence by the oath of parties;"

Which was agreed to.

The question was then put,

Shall the vote on the passage of said bill be re-considered?

It was decided in the negative.

So the bill passed.

No. 145, H. R. File, "A Bill to amend an act entitled 'An act concerning Grand and Petit Jurors;'"

Was read a second time.

And the question being put,

Shall the bill be engrossed?

It was decided in the affirmative.

Yeas 17—Nays 7.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Bonney, Brierly, Borland, Culbertson, Fay, Grimes, Hebard, Johnson, Mitchell, McCleary, Robb, Roberts, Smyth, Thompson, Walworth, Wilson, and Wright.

Those who voted in the negative are,

Messrs. Baker, Brophy, Hackleman, Nowlin, Rogers, Wray, and Carleton, (Speaker.)

The rules were then suspended, and the bill read a third time.

And the question being put, Shall the bill pass?

It passed in the affirmative.

Yeas 17, Nays 7.

The Yeas and Nays being desired by two members,

The vote was the same as the above, on the engrossment of the bill.

A motion was made by Mr. Fay, to take from the table the motion made some days since, to reconsider the vote on the adoption of a resolution relative to the pay of the officers.

Which was agreed to.

Yeas 20—Nays 4.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Nowlin, Robb, Smyth, Thompson, Wilson, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Baker, Roberts, Rogers, and Walworth.

The question was then put,

Shall the vote on the adoption of said resolution be reconsidered?

And was decided in the negative.



Yeas 9, Nays 15.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative are,

Messrs. Bonney, Brophy, Grimes, Hebard, Mitchell, Nowlin, Smyth, Walworth, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Baker, Brierly, Borland, Culbertson, Fay, Hackleman, Johnson, McCleary, Robb, Roberts, Rogers, Thompson, Wilson, Wray, and Wright.

No. 153, H. R. File "A Bill to provide for taking the census in 1844,"

Was read a second time.

A motion was made by Mr. Baker, to refer the bill to a Committee of the whole now.

Which was agreed to.

Yeas 18, Nays 7.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Grimes, Mitchell, McCleary, Robb, Roberts, Smyth, Thompson, Walworth, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Foley, Hackleman, Hebard Johnson, Nowlin, Rogers, Smyth and Wilson.

The bill was therefore considered in Committee of the Whole House.

And after a short time,

Mr. Hackleman reported the same back to the House with amendments.

A motion was made by Mr. Rogers, to lay the bill on the table.

Which was decided in the negative.

Yeas 8, Nays 16.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative, are

Messrs. Foley, Hackleman, Hebard, Johnson, Nowlin, Rogers, and Wilson.

Those who voted in the negative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Grimes, Mitchell, McCleary, Robb, Roberts, Thompson, Walworth, Wright, and Carleton, (Speaker.)

A motion was made by Mr. Nowlin, that the House do now adjourn.

Which was not agreed to.

A motion was made by Mr. Fay, that the House adjourn until seven o'clock this evening.

Which was not agreed to.

Yeas 9, Nays 16.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative, are

Messrs. Bonney, Borland, Fay, Hebard, McCleary, Robb, Roberts, Thompson, and Carleton, (Speaker.)



Those who voted in the negative, are  
Messrs. Baker, Brierly, Brophy, Culbertson, Foley, Grimes, Hackleman, Johnson, Mitchell, Nowlin, Rogers, Smyth, Walworth, Wilson, Wray, and Wright.

Mr. Baker called for the previous question; and the call being seconded by a majority of the members,

The question was put, Shall the main question be now put?  
And was decided in the affirmative.

Yeas 15, Nays 10.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative, are  
Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Fay, Grimes, Mitchell, McCleary, Robb, Roberts, Thompson, Walworth, Wray, and Wright.

Those who voted in the negative, are  
Messrs. Brophy, Foley, Hackleman, Hebard, Johnson, Nowlin, Rogers, Smyth, Wilson, and Carleton, (Speaker.)

The previous question was then put,  
Shall the bill be engrossed and read a third time?  
And was decided in the affirmative.

Yeas 16, Nays 9.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are  
Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Fay, Foley, Grimes, Mitchell, McCleary, Robb, Roberts, Thompson, Walworth, Wray, and Carleton, (Speaker.)

Those who voted in the negative, are  
Messrs. Brophy, Hackleman, Hebard, Johnson, Nowlin, Rogers, Smyth, Wilson, and Wright.

A motion was then made by Mr. McCleary, to suspend the rules for the purpose of reading the bill a third time now.

Which was decided in the negative.

And then,

On motion of Mr. Baker,  
The House adjourned until to-morrow morning at 9 o'clock.

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### Wednesday Morning, February 14, 1844.

Mr. Hackleman presented the account of S. C. Trowbridge, Post Master of Iowa City, for postage of the members, for the present session amounting to \$366,67.

Which was referred to the Committee on Expenditures.

Mr. Foley offered the following:



Resolved, That this House will not entertain any action on new business that may come before it after the passage of this Resolution.

A motion was made by Mr. Fay, to lay the Resolution on the table.

Which was decided in the affirmative.

Yeas 13—Nays 11.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Bonney, Borland, Brophy, Culbertson, Fay, Hebard, Johnson, Mitchell, McCleary, Smyth, Thompson, Walworth, and Carleton (Speaker.)

Those who voted in the negative are,

Messrs. Brierly, Foley, Grimes, Hackleman, Nowlin, Robb, Roberts, Rogers, Wilson, Wray and Wright.

Mr. Grimes from the Select Committee to which was referred,

No. 89, H. R. File, "A Bill regulating Marriages and abolishing licenses therefor,"

Reported the same back to the House without amendment.

Mr. Wilson, from the Committee on Roads and Highways to whom was referred the petition of citizens of Scott county, praying for the re-location of a part of a Territorial road therein named, reported that they find ample provision for the prayer of said petitioners in the ninth section of chapter 125 of the law, relative to Roads and Highways, and ask to be discharged from the further consideration of the subject.

The House agreed to the report of the Committee.

Mr. Hackleman from the Committee on Expenditures, reported

No. 161, H. R. File, "Joint Resolutions providing for the payment of certain accounts against the Territory."

Which were read a first time.

On motion of Mr. Hebard,

Ordered, That said Resolutions do lie upon the table.

A motion was made by Mr. Nowlin to take from the table a Joint Resolution relative to printing the act amending the law providing for the election of Justices of the peace, &c.

Which was decided in the negative.

Yeas 10—Nays 15.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Brophy, Foley, Hebard, Johnson, Nowlin, Robb, Rogers, Thompson, Wilson and Wright.

Those who voted in the negative are,

Messrs. Baker, Bonney, Borland, Culbertson, Fay, Grimes, Hackleman, Mitchell, McCleary, Roberts Smyth, Thompson, Walworth, Wray, and Carleton [Speaker.]

A motion was made by Mr. Grimes, to reconsider the vote, to lay

No. 161, H. R. File, "Joint Resolutions providing for the payment of certain accounts against the Territory," laid on the table.



Ordered, That the Resolutions be referred to the Committee on Expenditures.

Mr. Mitchell, on leave being granted, introduced  
No. 162, H. R. File, "Memorial to the Post Master General, asking for additional Mail facilities."

Which was read a first time.

On motion of Mr. Nowlin,

Ordered, That the Rules be suspended and the Memorial be read a second and third time now,

The Memorial was then read a second and third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

A motion was made by Mr. Hebard, that the rules be suspended in order to take from the table,

No. 47, C. F. "Joint Resolutions relative to the University Lands of Iowa Territory.

Which passed in the affirmative.

Yeas 13—Nays 9.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Robb, Rogers, Smyth, Wilson, Wray, Wright and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Bonney Brierly, Borland, Culbertson, Fay, McCleary, Roberts, Thompson, and Walworth.

So the Resolution was taken from the table.

On motion of Mr. Rogers,

Ordered, That the House resolve itself into a Committee of the Whole House on said Resolutions.

And after sometime spent therein, Mr. Speaker resumed the Chair, and Mr. Wilson reported, that the Committee had, according to order, had said Resolutions under consideration, and directed him to report the same to the House with amendments.

A Message from the Council, by Mr. Wallace their Secretary,

Mr. SPEAKER:

I herewith present for your signature,

An act to revive an act entitled an act to review and establish a part of a Territorial Road leading from Fort Madison in Lee county to Iowaville in Van Buren county.

An act to change a part of a Territorial Road, running from Burlington to the mouth of the Des Moines river.

An act to incorporate the Iowa City Manufacturing Company.

An act donating to the Baptist Church of Iowa City a certain lot of ground therein named.

An act relative to the town plat of Fredonia in Louisa county.

Joint Resolution for the relief of F. M. Irish.



I herewith return,

An act to perfect the collection of taxes in Louisa county.

An act to form a fourth Judicial District.

An act to authorize the County Commissioners of the county of Henry, to vacate a part of Webster street in the town of Mt. Pleasant, in said county.

An act declaring a certain Road therein named a public highway.

An act to authorize the raising of dams on the Des Moines river.

An act to amend an act entitled an act to establish a ferry across the Mississippi river in this Territory.

An act to locate and establish a Territorial Road from Brighton, in Washington county, to intersect the road leading from Mt. Pleasant to Washington, in Washington county.

An act to incorporate the Washington Lyceum of Jackson county.

An act to incorporate the Mount Pleasant Lyceum.

An act amendatory of an act entitled 'An act to provide for the election of Justices of the Peace,' &c.

An act to punish the obstructing Public roads, &c.

An act to define lawful fences and to restrain trespassing animals.

The Council have passed,

No. 45, C. F. "A Bill to amend an act entitled an act establishing the prices of public printing.

No. 67, C. F. "An act to amend an act entitled an act relative to Coroners and their duties, approved, Dec. 23, 1839."

No. 68, C. File, "A Bill to amend an act entitled an act to provide for the election of Justices of the Peace," &c.

Also, with amendments,

No. 77, H. R. File, "An act amendatory of an act subjecting real and personal estate to execution."

No. 34, H. R. File, "A Bill amendatory of an act, entitled 'An act to organize, discipline, and govern the Militia of this Territory, approved July 31, 1840.'"

Also, with amendments,

No. 11, H. R. File, "A Bill to provide for assessing and collecting Public Revenue."

Also, without amendment,

No. 30, H. R. File, "A Bill to enable settlers on public lands to recover value for their improvements."

No. 93, H. R. File, "A Bill to establish a Seminary of Learning at De Witt, in Clinton county."

No. 104, H. R. File, "An act to amend an act entitled 'An act to establish a Seminary of Learning in Louisa county.'"

No. 131, H. R. File, "An act for the relief of George Andrews."

No. 136, H. R. File, "A Bill to authorize the President and Trustees of the town of Bellview to License Merchants and Grocers."

No. 137, H. R. File, "An act to amend the Militia Law, so as to form a fourth Division."

No. 150, H. R. File, "An act to authorize the Judge of Probate of



Linn county to make a record of the proceedings of said Court."

No. 156, H. R. File, "A Bill to authorize Boards of County Commissioners to vacate town plats."

No. 157, H. R. File, "A Bill to locate a Territorial Road, from Musquito creek, in Muscatine county via Moscow, in said county, to Hector Sterrett's, in Cedar county;" and,

No. 148, H. R. File, "A Memorial to Congress, asking for a change of the law relative to the intercourse with the Indians."

I herewith present for your signature—

An act relative to the town plat of Fredonia, in Louisa county."

An act to legalize a road from Denson's Ferry, in Cedar county, to the southern boundary of said county;"

An act to legalize the acts of George H. Jennison, an acting Justice of the Peace, in Jefferson county.

An act to authorize Sheriffs to make and execute deeds for land sold on execution under the redemption law.

Joint Resolution relative to the re-publication of a certain act.

Joint Resolutions, authorizing Iowa City Fire Company No. 1, to occupy one room in the basement story of the Capitol.

Mr. Robb, from the Committee on Enrolled Bills, reported

An act amendatory of an Act to organize, discipline, and govern the Militia of this Territory, Approved July 31st, 1840.

An act to lay out a Territorial Road from J. H. Jenkins, in Linn county, in a direction to the city of Dubuque;

An act to legalize the acts of John Peterson as Justice of the Peace;

An act amendatory of an act entitled 'An act to regulate Conveyances, approved Feb. 16, 1843,' as correctly enrolled.

The Speaker then signed the said acts.

The House then resumed the consideration of the amendments made by Committee of the whole to No. 47, C. F.

A motion was made by Mr. Nowlin, that the blank be filled by inserting the name of Alfred L. Brown.

To which the House agreed.

A motion was made by Mr. Wilson, to strike out the name of Uriah Biggs, and insert the name of Samuel D. Woodworth.

Which passed in the negative.

Yeas 9, Nays 15.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Bonney, Borland, Culbertson, Fay, McCleary, Robb, Smyth, Thompson, and Wilson.

Those who voted in the negative are,

Messrs. Brierly, Brophy, Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, Nowlin, Roberts, Rogers, Walworth, Wray, Wright, and Carleton, (Speaker.)

Mr. Speaker made a motion to insert the name of Cyrus Sanders.

The motion was lost.



Ordered, That the 42d rule be suspended, and the Joint Resolutions be read a third time now.

The Resolutions were then read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

A motion was made by Mr. Baker, to suspend the rules, in order to take up

No. 153, H. R. File, "A Bill to provide for taking the census, and an extra session of the Legislative Assembly."

Which passed in the affirmative.

Yeas 16, Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Fay, Grimes, Mitchell, McCleary, Roberts, Smyth, Thompson, Walworth, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Brophy, Foley, Hackleman, Hebard, Johnson, Nowlin, Rogers, and Wilson.

The bill was then read a third time.

A motion was made by Mr. Wilson, to indefinitely postpone the consideration of said bill.

Which passed in the negative.

Yeas 9, Nays 16.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Brophy, Hackleman, Hebard, Johnson, Nowlin, Rogers, Smyth, Walworth, and Wilson.

Those who voted in the negative, are

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Fay, Foley, Grimes, Mitchell, McCleary, Robb, Roberts, Thompson, Wray Wright, and Carleton, (Speaker.)

Mr. Fay then called for the previous question.

And the question being put, Shall the main question be now put? Was decided in the affirmative.

Yeas 16, Nays 9.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Fay, Grimes, Mitchell, McCleary, Robb, Roberts, Thompson, Walworth, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Brophy, Foley, Hackleman, Hebard, Johnson, Nowlin, Rogers, Smyth, and Wilson.

The question then recurred upon the passage of the bill.

Which was decided in the affirmative.

Yeas 17, Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,



Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Fay, Foley, Grimes, Mitchell, McCleary, Nowlin, Robb, Roberts, Thompson, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Brophy, Hackleman, Hebard, Johnson, Rogers, Smyth, Walworth, and Wilson.

So the bill passed, and its title was agreed to.

Mr. Nowlin moved a reconsideration of said vote.

A motion was made by Mr. Hackleman, to lay the motion to reconsider upon the table.

Which passed in the negative.

Yeas 8—Nays 15.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Brophy, Foley, Hackleman, Hebard, Nowlin, Rogers, Smyth, and Wilson.

Those who voted in the negative, are

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Grimes, Mitchell, McCleary, Robb, Roberts, Thompson, Walworth, Wray, Wright, and Carleton, (Speaker.)

A motion was made by Mr. Bonney, to suspend the rules, in order to introduce a resolution.

Which was decided in the negative.

No. 34, H. R. File, "A Bill amendatory of an act entitled 'An act to organize, discipline, and govern the Militia of this Territory, approved July 31, 1840, as amended by the Council, was taken up and considered.

Ordered, That the House concur in the amendments of the Council.

No. 77, H. R. File, "An act amendatory of an act, subjecting real and personal estate to execution, as amended by the Council was taken up.

And the question being put, Will the House agree to the amendment of the 8th section of said bill.

Was decided in the affirmative.

Yeas 12—Nays 10.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Bonney, Borland, Grimes, Johnson, McCleary, Nowlin, Robb, Rogers, Smyth, Thompson, Walworth, and Wilson.

Those who voted in the negative, are

Messrs. Brierly, Brophy, Culbertson, Fay, Hackleman, Mitchell, Roberts, Wray, Wright, and Carleton, (Speaker.)

The question was then taken on concurring with the Council in the additional section to said bill, and passed in the negative.

Yeas 7—Nays 15.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,



Messrs. Bonney, Borland, McCleary, Nowlin, Robb, Rogers, and Smyth.

Those who voted in the negative are,

Messrs. Brierly, Brophy, Culbertson, Fay, Foley, Grimes, Hackleman, Johnson, Mitchell, Roberts, Thompson, Wilson, Wray, Wright, and Carleton, (Speaker.)

And then the House adjourned until two o'clock, P. M.

## 2 O'CLOCK P. M.

No. 68, C. File, "A Bill to amend an act entitled 'An act to provide for the election of Justices of the Peace,'"

Was read a first time.

On motion,

Ordered, That the rules be suspended, and the bill be read a second time now.

The bill was then read a second time.

On motion,

Ordered, That said bill be referred to the delegation from Van Buren.

On motion of Mr. Thompson,

Ordered, That the rules be suspended that he might make a report. Whereupon, Mr. Thompson reported back

No. 142, H. R. File, "A Bill to amend an act entitled An act defining Crimes and Punishments, approved 16th Feb. 1843, with amendments.

On motion,

Ordered, That the rule be suspended, and the bill be read a third time now.

The bill was then read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Thompson, from the Judiciary Committee, also reported back to the House

No. 76, H. R. File, "A Bill to amend an act entitled 'An act subjecting real and personal estate to execution,' and recommended that said bill be indefinitely postponed.

To which the House agreed. Also,

No 28, C. F. "A bill to amend an act entitled 'An act subjecting real and personal estate to execution,' and recommend that said bill be indefinitely postponed.

No. 11, H R. File, "A Bill to provide for assessing and collecting Public Revenue," as amended by the Council, was taken up, and the question being taken on concurring in the 1st amendment of the Council,

Was decided in the affirmative.

Yeas 12—Nays 9.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Fay, John-



son, McCleary, Nowlin, Roberts, Smyth, and Wray.

Those who voted in the negative, are

Messrs. Brophy, Foley, Grimes, Hackleman, Mitchell, Robb, Thompson, Wright, and Carleton, (Speaker.)

The question was then put,

Will the House agree to the 2d amendment of the Council to said bill?

And decided in the affirmative.

Yeas 13—Nays 9.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Fay, Johnson, McCleary, Nowlin, Roberts, Smyth, Wray, and Wright.

Those who voted in the negative are,

Messrs. Brophy, Foley, Grimes, Hackleman, Mitchell, Robb, Thompson, Walworth, and Carleton (Speaker.)

No. 45, C. F. "A Bill to amend an act entitled an act establishing the prices of public printing.

No. 67, C. F. "An act to amend an act entitled an act relative to Coroners and their duties, approved, Dec. 23, 1839."

Were severally read a first time.

No. 158, H. R. File, "An act to provide for the election of one member of the House of Representatives from Linn county, and one from the counties of Cedar and Jones.

Was read a second time.

A motion was made by Mr. Smyth, that said bill be indefinitely postponed.

Which passed in the affirmative.

A Message from the Council, by Mr. Wallace, their Secretary,

Mr. SPEAKER:

I am directed to inform the House, that the Council have passed, No. 70, C. F. "Joint Resolution relative to a certain Mail Route."

No. 162, H. R. File, "Memorial to the Post Master General, asking for additional Mail facilities."

No. 41, C. F. "A Bill to change the name of the town of Hartford, in Van Buren county."

No. 56, C. F. "An act amendatory of the several acts regulating the election and duties of Sheriffs;"

An act to restore James Meredith to the rights of citizenship.

Also, with amendments,

No. 155, H. R. File "Joint Resolution to provide for the printing of the laws."

No. 123, H. R. File, "A Bill to repeal certain acts therein named."

I herewith return eight bills, and one Memorial to Congress, the same having been signed by the President Council."

And then he withdrew.

No. 159, H. R. File, "A Bill to amend an act entitled 'An act to incorporate the town of Davenport.'"



No. 63, C. F. "A Bill to re-locate a part of the Territorial Road from Fort Madison to Iowaville, on the Des Moines river.

No. 61, C. F. "A Bill to amend the several acts incorporating the town of Fort Madison,"

Were, upon a suspension of the rules, severally read a first, second, and third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Bonney, from the Select Committee to whom was referred

No. 68, C. File, "A Bill to amend an act entitled an act to provide for the election of Justices of the Peace," &c.,

Reported the same back to the House with amendments;"

Which was read a second and third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 70, C. File, "Joint Resolutions relative to a certain Mail Route,"

Was read a first time.

On motion of Mr. Rogers,

Ordered, That rules be suspended, and the resolutions be read a second time now.

On motion of Mr. Smyth,

Ordered, That the word "and" between the words "Springfield and Marion" be stricken out, and the words "Franklin and Solon" be inserted.

The Resolutions were then read a third time, and passed.

Ordered, That the Clerk acquaint the Council accordingly.

No. 54, C. F. "An act to amend an act entitled 'An act to provide for the annual organization of the Council and House of Representatives,'"

Was read a first time.

A motion was made by Mr. Brophy, that the rules be suspended, and that the bill be read a second time now.

The motion was lost.

No. 29, H. R. File "A Bill to organize the county of Davis, and to provide for the location of the Seat of Justice thereof, in which the House disagree to the amendments of the Council, was taken up.

On motion of Mr. Bonney,

Ordered, That the House adhere to their disagreeing vote, and that a Committee of Conference be appointed on the part of House.

Messrs. Bonney and Brierly were appointed said Committee.

Mr. Bonney offered the following:

Resolved, That the Clerk of this House be ordered to forthwith give notice to the Council of the passage of

No. 153, H. R. File, "A Bill for an act to provide for taking the census, and an extra session of the Legislative Assembly of the Territory.

A motion was made by Mr. Nowlin, to postpone said resolution.

Which passed in the negative.

Yeas 8—Nays 15.

The Yeas and Nays being demanded by two members,



Those who voted in the affirmative, are  
Messrs. Brophy, Foley, Hackleman, Hebard, Nowlin, Rogers,  
Smyth, and Walworth.

Those who voted in the negative, are  
Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Fay, Grimes,  
Mitchell, McCleary, Robb, Roberts, Thompson, Wray, Wright, and  
Carleton, (Speaker.)

The question then recurred on the adoption of the resolution,  
Which passed in the affirmative.

Yeas 17—Nays 7.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are  
Messrs. Baker, Bonney Brierly, Borland, Brophy, Culbertson, Fay,  
Foley, Grimes, Mitchell, McCleary, Robb, Roberts, Thompson, Wray,  
Wright and Carleton, (Speaker.)

Those who voted in the negative are,  
Messrs. Hackleman, Hebard, Johnson, Nowlin, Rogers, Smyth, and  
Walworth.

Mr. Walworth presented the petition of sundry citizens of Jones  
county, praying the location of a Territorial Road from Rome, in Jones  
county, to the Rapids on the Wapesipinicon river.

Referred to the delegation from Cedar, Jones, and Linn.

Mr. Rogers presented the remonstrance of sundry citizens of Dela-  
ware county, remonstrating against the passage of any law detaching  
any portion of their county, for the purpose of forming another county.

Ordered, That said remonstrance be referred to the Committee on  
Township and County Boundaries.

Mr. Walworth, on leave being granted, introduced  
No. 163, H. R. File, "A Bill to lay out a Territorial Road from Rome,  
in Jones county, to the rapids on the Wapesipinicon river."

Which was read a first time.

Ordered, That the rules be suspended, and the bill be read a second  
and third time now.

The Bill was then read a second and third time and passed.

Ordered, That the Clerk acquaint the Council accordingly.

Mr. Smyth presented the report of the School Commissioners of  
Linn county.

Ordered, That the Report be referred to the Committee on Com-  
mon Schools.

No. 152, H. R. File "A Bill to incorporate the Wapesipinicon  
Bridge Company" as amended by the Council, was considered, and the  
amendment of the Council, amended by striking out "one," and insert-  
ing "two" in the 12th section.

Mr. Baker offered the following:

Resolved, That the editors of the Iowa Capital Reporter, be, and  
they are hereby requested, to print in pamphlet form, forty copies of  
an act, passed at the present session, entitled an act, to organize the



counties of Keokuk and Mahaska, for the use of the House, to be distributed in said counties.

On motion of Mr. Rogers,

Ordered, That said Resolution do lie upon the table.

On motion of Mr. Grimes,

Ordered, That a Committee of Conference be appointed to confer with a similar Committee on the part of the Council, relative to the disagreeing vote of the two Houses, on,

No. 77, H. R. File, "An act amendatory of an act subjecting real and personal estate to execution.

Messrs. Grimes and Thompson were appointed said Committee.

Mr Hackleman presented the account of Hughes and Williams.

Ordered, That said account be referred to the Committee on Expenditures.

Mr. Foley gave notice, that he would, on to-morrow, move to rescind the 31st, rule of this House.

No. 41, C. File, "A Bill to change the name of the town of Hartford, in Van Buren county."

Was read a first time.

On motion of Mr. Borland,

Ordered, That the Rules be suspended and the Bill be read a second and third time now,

The Bill was then read a second and third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 56, C. File, "An act amendatory to the several acts regulating the election of Sheriffs."

Was read a first time.

A motion was made by Mr. Grimes, that the rule be suspended, and the Bill be read a second and third time now.

Which passed in the negative.

Yeas 11, Nays 11.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Culbertson, Fay, Grimes, Mitchell, Robb, Smyth, Thompson, Wilson, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Bonney, Brierly, Borland, Brophy, Hackleman, Hebard, Johnson, McCleary, Rogers, Walworth, and Wray.

No. 69, C. F. "A Bill declaring the streets and alleys on the plat of Iowa City, public highway, and for other purposes."

Was read a first time.

Ordered, That the rule be suspended and the Bill be read a second and third time now,

The Bill was then read a second and third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 10, H. R. File, "An act to provide for, and regulate writs of error, *coram nobis*,"

As amended by the Council was taken up, and considered.



Ordered, That the amendments made by the Council be concurred in.

On motion of Mr. Hackleman,

Ordered, That the House take a recess of half an hour.

After which time,

Mr. Grimes made a motion to take up,

No. 89, H. R. File, "A Bill concerning Marriages and abolishing licenses therefor,"

To which the House agreed.

A motion was made by Mr. Wilson, that the House resolve itself into a Committee of the whole on said bill.

The motion was lost.

On motion of Mr. Nowlin,

Ordered, That said bill be referred a Select Committee.

Messrs. Nowlin, Thompson and Smyth, were appointed said Committee.

Mr. Rogers moved that the House adjourn.

The motion was lost.

No. 71, C. File, "An act to restore James Meredith to the right of citizenship."

On motion of Mr. Brierly,

Ordered, That the Rules be suspended, and the bill be read a second time now.

The bill was then read a second time.

On motion of Mr. Grimes,

The words "Des Moines county," after the word "convicted," were stricken out.

A motion was made by Mr. Bonney, that the bill be indefinitely postponed.

Pending which,

Mr. Wilson moved to lay the bill on the table,

Which motion having precedence was put, and decided in the negative.

The question then recurred on the indefinite postponement of the bill.

And was decided in the affirmative.

Yeas 20, Nays 4.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Bonney, Borland, Culbertson, Fay, Foley, Grimes, Hackleman, Johnson, Mitchell, McCleary, Nowlin, Roberts, Rogers, Smyth, Thompson, Walworth, Wilson, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Baker, Brierly, Brophy and Robb.

A motion was made by Mr. Wilson, that the House adjourn. Lost.

No. 155, H. R. File, "Joint Resolution to provide for the printing of the laws," as amended by the Council was taken up.



A motion was made by Mr. Bonney, that the words "William Crum, editor of the Iowa City Standard," be stricken out.

Which passed in the affirmative.

Yeas 21, Nays 4.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Foley, Grimes, Hackleman, Hebard, Johnson, McCleary, Nowlin, Roberts, Rogers, Smyth, Thompson, Wray, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Mitchell, Robb, Walworth, and Wilson.

A motion was made by Mr. Bonney, that the words "Hughes and Williams, editors of the Iowa Capital Reporter," be inserted.

Which was decided in the affirmative.

Yeas 15, Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Fay, Foley, McCleary, Robb, Roberts, Rogers, Smyth, Thompson, Wray, and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Grimes, Hackleman, Hebard, Johnson, Mitchell, Nowlin, Walworth, and Wright.

And then the House adjourned.

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### Thursday Morning, February 15, 1844.

A motion was made by Mr. Wright, to re-consider the vote of yesterday, on disagreeing to the amendment of the Council to

No. 11, H. R. File, "A Bill to provide for assessing and collecting Public Revenue."

Which was agreed to.

The amendment of the Council was then concurred in, by being amended on motion of Mr. Wright.

Mr. Hackleman presented the account of S. McArthur, for wood furnished the Library.

Which was referred to the Committee on Expenditures.

On motion of Mr. Grimes,

Resolved, (unanimously,) That the thanks of this House be tendered to the Hon. JAMES P. CARLETON, Speaker of this House, for the prompt, able, and highly satisfactory manner in which he has discharged the duties of the Chair, during the present session.



Mr. Foley, from the Committee on Township and County Boundaries, reported as follows:

The Committee on Township and County Boundaries, to which was referred the petition of 60 citizens of Dubuque, Delaware, and Jones, praying for the formation of a new county out of said counties, as also the remonstrance of 88 citizens of said counties against the prayer of the petitioners, have directed me to make the following report:

Your Committee having taken the subject under consideration, and bestowed that attention to it which its importance required, have agreed that the prayer of the petitioners ought not to be granted.

Your Committee, while on this subject, avail themselves of this opportunity to state, that it is their firm belief, that where old counties are laid out, their lines well defined and established, Seats of Justice permanently located, lots laid out and sold at a high rate, under the guarantee of public faith, and the proceeds expended for public uses or in the Treasury, that without some well known public grievance, and that generally expressed, those land-marks in our institutions should not be disturbed for trivial or fancied causes; nor can your Committee refrain from expressing it as their firm opinion, that once break in on any of the established counties in this Territory, and the whole will be disturbed from north to south, for the same restless spirit, once fostered and encouraged, will, like a contagion, spread from one end of our Territory to the other.

With these views, your Committee have directed me to offer the following resolution:

Resolved, That it is inexpedient and impolitic to grant the prayer of the petitioners, and they have leave to withdraw the same, and that your Committee ask leave to be discharged from the further consideration of the subject.

The report of the Committee was concurred in.

Mr. Nowlin, from the Select Committee, to which was referred

No. 89, H. R. File, "A Bill to regulate Marriages, and to abolish licenses therefor," reported the same back with amendments;

Which were read a first time.

And the question being put, Will the House concur in the report of the Committee?

It was decided in the affirmative.

Yeas 13, Nays 9.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Brierly, Brophy, Culbertson, Foley, Grimes, Hebard, Mitchell, Nowlin, Robb, Thompson, Wilson, Wray, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Bonney, Borland, Fay, Hackleman, Johnson, McCleary, Roberts, Smyth, and Wright.

The rules were then suspended, and the bill read a 2d and 3d time, and passed.



No. 123, H. R. File, "A Bill to repeal certain acts therein named,"  
As amended by the Council, was concurred in.

No. C. File, "A Bill to amend an act entitled an act establishing  
the prices of Printing."

Was read a second time.

A motion was made by Mr. Grimes, to indefinitely postpone the  
bill.

Which was decided in the negative.

Yeas 5—Nays 19.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Grimes, Hackleman, McCleary, Robb, and Wray.

Those who voted in the negative are,

Messrs. Bonney, Brierly, Borland, Brophy, Culbertson, Fay, Foley,  
Hebard, Johnson, Mitchell, Nowlin, Roberts, Rogers, Smyth, Thomp-  
son, Walworth, Wilson Wright, and Carleton, [Speaker.]

The rules were then suspended, and the bill read a third time, and  
passed.

A motion was made by Mr. Bonney, to suspend the rules, in order  
that he might introduce

No. 165, H. R. File, "A Joint Resolution, to provide for the distri-  
bution of the laws.

Which was agreed to, and the resolution read a 1st, 2nd and 3d  
time, and passed.

No. 54, C. File, "A Bill to amend an act relative to the organiza-  
tion of the Legislative Assembly.

Was read a second time.

The rules were suspended and the bill read a third time and pass-  
ed.

No. 56, C. File "A Bill to amend an act regulating the election and  
duties of Sheriffs."

A motion was made by Mr. Bonney, to strike out the 2nd section  
which provides that Sheriffs shall not hold office more than four years  
in any term of six years.

Which was disagreed to.

Yeas 7, Nays 16.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative are

Messrs. Bonney, Borland, Brophy, Johnson, Rogers, Wray, and  
Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Brierly, Culbertson, Foley, Grimes, Hackleman, Hebard,  
Mitchell, McCleary, Nowlin, Robb, Roberts, Smyth, Thompson, Wal-  
worth, Wilson and Wright.

A motion was then made by Mr. Bonney, to add the following sec-  
tion, to wit:

That no officer in this Territory, shall be capable of holding the  
same office for more than two consecutive years.



Which was disagreed to.

Yeas 4, Nays 18.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative are,

Messrs. Bonney, Borland, McCleary, and Thompson.

Those who voted in the negative are,

Messrs. Brierly, Brophy, Culbertson, Foley, Grimes, Hackleman, Johnson, Mitchell, Nowlin, Robb, Roberts, Rogers, Smyth, Walworth, Wilson, Wray, Wright, and Carleton, (Speaker.)

The rules were then suspended and the bill read a third time.

And the question being put, Shall the bill pass?

It passed in the affirmative.

Yeas 15, Nays 8.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative, are

Messrs. Brierly, Culbertson, Foley, Grimes, Hackleman, Hebard, Mitchell, Nowlin, Robb, Roberts, Smyth, Thompson, Walworth, Wilson, and Wright.

Those who voted in the negative, are

Messrs. Bonney, Borland, Brophy, Johnson, McCleary, Rogers, Wray, and Carleton, (Speaker.)

No. 67, C. File, "A Bill relative to Coroners and their duties."

Was read a second time, rules suspended, and the bill read a third time and passed.

Mr. Thompson from the Select Committee to which was referred, No. 93, H. R. File, "A Memorial to Congress for a donation of land, for the Mount Pleasant Institute."

Reported the same back with amendments.

Which were read a first time.

The Memorial was then read a second and third time, and passed.

Mr. Hackleman, from the Committee on Expenditures, reported No. 166, H. R. File "A Bill to provide for the compensation of the Members and officers of the Legislative Assembly, and for other purposes."

Which was read a first and second time.

And referred to a Committee of the Whole House, for the consideration of the same.

And after sometime spent therein, Mr. Speaker resumed the Chair, and Mr. Johnson reported with amendments, which were concurred in.

A motion was made by Mr. Johnson, to strike out \$243—and insert \$275, an item in favor of Bridgeman, Brothers.

Which was disagreed to.

Yeas 9, Nays 11.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Baker, Grimes, Hackleman, Hebard, Johnson, Mitchell, Thompson, Wray, and Carleton, (Speaker.)



Those who voted in the negative are,  
Messrs. Borland, Brophy, Culbertson, Fay, Foley, McCleary, Nowlin, Roberts, Rogers, Smyth, and Wilson.

The rules were then suspended, and the bill read a third time.

And the question being put, Shall the Bill pass?

It passed in the affirmative.

Yeas 16, Nays 4.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Borland, Brophy, Culbertson, Fay, Foley, Hackleman, Johnson, Mitchell, Nowlin, Roberts, Rogers, Smyth, Wilson, Wray, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Grimes, Hebard, McCleary, and Thompson.

A Message from the Council, by Mr. Wallace, their Secretary,

Mr. SPEAKER:

I herewith present for your signature,

An act to incorporate the Wapesipinicon Mill Company.

Joint Resolution relative to the University Lands of Iowa."

The Council have agreed to the amendment of the House to the amendment of the Council to,

No. 152, H. R. File, "A Bill to incorporate the Wapesipinicon Bridge Company.

And have appointed Messrs. Elbert and Teas, a Committee of Conference, relative to the disagreeing vote upon,

No. 29, H. R. File, "A Bill to organize the county of Davis," &c.

And have appointed Messrs. Leffler and Gehon a Committee of Conference relative to,

No. 11, H. R. File, "A Bill to provide for assessing and collecting Public Revenue."

The Council have passed without amendments,

No. 93, H. R. File, "A Memorial to Congress for a donation of land for the Mt. Pleasant Institute."

No. 159, H. R. File, "An act to amend an act, to incorporate the town of Davenport.

No. 164, H. R. File, "A Bill to lay out and establish a Territorial Road, from Rome, in Jones county, to the Wapesipinicon Rapids," &c.

No. 165, H. R. File, "Joint Resolution relative to the distribution of the laws of the present session."

I herewith return, ten enrolled Bills, which have been signed by the President of the Council.

No. 72, C. F. "A Bill to amend an act entitled an act for the limitation of actions and for avoiding vexatious law suits," &c.

No. 145, H. R. File, "A Bill to amend an act entitled an act, concerning Grand and Petit Jurors," &c.

No. 91, H. R. File, "A Bill amendatory of an act entitled an act, relative to proceedings in Chancery," &c.

And then he withdrew.



Mr. Robb from the Committee on Enrolled Bills, reported, that they had examined and found correctly enrolled,

An act granting license to Pedlars.

An act to authorize the Judge of Probate of Linn county, to make a record of the proceedings of said court.

An act to authorize the President and Trustees of the town of Bellview to grant license to Merchants and Grocers.

A Memorial to the Post Master General, asking for additional Mail facilities."

An act for the formation of the county of Madison.

The Speaker signed said acts.

On motion of Mr. Grimes,

Ordered, That a Committee of Conference be appointed to confer with a similar Committee on the part of the Council relative to the disagreeing vote on,

No. 11, H. R. File, "A Bill to provide for assessing and collecting Public Revenue."

Whereupon, Messrs. Grimes and Johnson, were appointed said Committee.

No. 72, C. F. "A Bill to amend an act for the limitation of actions and for avoiding vexatious law suits."

Was read a first time.

No. 91, H. R. File, "A Bill amendatory of an act entitled an act relative to proceedings in Chancery."

As amended by the Council was disagreed to.

On motion of Mr. Mitchell,

Ordered, That a Committee of Conference be appointed in relation to said bill.

Whereupon, Messrs. Mitchell and Thompson were appointed said Committee.

A Message from the Council by Mr. Wallace their Secretary.

Mr. SPEAKER:

The Council have agreed to the report of the Committee of Conference upon,

No. 77, H. R. File, "An act amendatory of an act subjecting real and personal estate to execution."

They have also agreed to the report of the Committee of Conference upon,

No. 11, H. R. File, "A Bill to provide for assessing and collecting Public Revenue."

The Council have passed,

No. 73, "Joint Resolution authorizing the Secretary of the Territory to contract for the printing of the laws."

I am directed to return to the House

No. 155, H. R. File "Joint Resolution to provide for the printing of the laws," with the following resolution, which has passed the Council:

Resolved, That the said Joint Resolution be returned to the House of Representatives for their further consideration, because the action



of the House upon the Council amendment, is unparliamentary, and contrary to the rules of both Houses.

And then he withdrew.

Mr. Speaker offered the following:

Resolved, That the Joint Resolution be returned to the Council, with a request that they proceed in the usual mode of reconciling disagreements between the two Houses.

Which was adopted.

And then the House adjourned until two o'clock, P. M.

## 2 O'CLOCK P. M.

On motion of Mr. Bonney,

Ordered, That the use of this Hall be granted to the Democracy this evening.

A Message from the Council, by Mr. Wallace, their Secretary:

MR. SPEAKER:

The Council have passed

No. 96, H. R. File, "A Bill to incorporate the Mt. Pleasant Collegiate Institute."

The Council have disagreed to the amendment of the House to

No. 11, H. R. File, "A Bill to provide for assessing and collecting Public Revenue."

And then he withdrew.

On motion of Mr. Grimes,

The House concurred in the report of the Committee of Conference on

No. 11, H. R. File, "A Bill to provide for assessing and collecting Public Revenue."

Mr. Hebard, from the Committee on Enrolled Bills, reported, that they had examined

An act to incorporate the Mount Pleasant Collegiate Institute;

An act to provide for assessing and collecting Public Revenue;"

And found the same correctly enrolled.

The Speaker then signed said acts.

Mr. Mitchell, from the Committee of Conference relative to the disagreeing vote of the House on

No. 91, H. R. File, "A Bill relative to proceedings in Chancery,"

Reported, that the Committee had receded from the amendments of the House.

Mr. Thompson, from the Committee of Conference relative to the disagreeing vote of the two Houses on

No. 77, H. R. File, "A Bill to amend an act subjecting real and personal estate to execution;"

Reported, that the Committee had agreed to a substitute for the amendments, as follows:

Sec. 8. That hereafter when any real estate may be sold by any decree or order of any Court in Chancery, upon any Mortgage or



deed of trust, executed prior to the passage of the law to which this act is amendatory, the same shall be sold without being valued, as required by the provisions of the third section of the act to which this is amendatory, to the highest and best bidder. for the best price the same will bring, and the mortgagor or debtor may redeem the said real estate so sold as aforesaid, within two years from the date of said sale, by paying to the purchaser, or to the officer selling the same, or to his successor in office, the purchase money with interest thereon at the rate of ten per cent. per annum.

Sec. 9. That all deeds made and executed upon all sales made after the passage of this act, for real estate sold under any execution or order, or decree of Court, by any Sheriff or other officer authorized by law to make the same, shall, in all controversies which may hereafter arise in relation to the title of said real estate, be taken and considered as *prima facie* evidence of the existence of a judgment and execution authorizing said officer to sell the same, and also of the regularity of the said sale.

And the question being, Will the House concur in the report of the Committee on Conference?

It was agreed to.

Yeas 11—Nays 10.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Baker, Brierly, Culbertson, Fay, Foley, Nowlin, Roberts, Smyth, Thompson, Walworth, and Wray.

Those who voted in the negative, are

Messrs. Bonney, Brophy, Grimes, Hackleman, Hebard, Johnson, McCleary, Rogers, Wilson, and Carleton, (Speaker.)

On motion of Mr. Brophy,

Resolved, That the Committee on the Library be requested to report as soon as practicable.

No. 73, C. File, "A Joint Resolution, authorizing the Secretary of the Territory to contract for the printing of the Laws;"

Was read a first time, and,

On motion of Mr. Wilson,

The rules were suspended, and the resolution was read a 2nd time.

A motion was made by Mr. Baker to so amend the resolution as to authorize the Secretary to contract "with Hughes and Williams."

Which was decided in the affirmative.

Yeas 15, Nays 10.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Foley, Nowlin, Robb, Roberts, Rogers, Smyth, Thompson, Wray, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Fay, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Walworth, Wilson, and Wright.



A motion was made by Mr. Fay, to strike out all after the word "Resolved," and insert the following:

That John B. Russell be authorized to print two thousand five hundred copies of the laws of the present session.

Which was decided in the negative.

Yeas 10, Nays 15.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Fay, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Walworth, Wilson, and Wright.

Those who voted in the negative, are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Foley, Nowlin, Robb, Roberts, Rogers, Smyth, Thompson, Wray, and Carleton, (Speaker.)

A motion was made by Mr. Grimes, to add to the resolution the following words: "Provided, however, that the Secretary shall not so contract with said Hughes and Williams, if he can have the said printing and binding executed upon more moderate and liberal terms than is offered by said Hughes and Williams, and within the same time.

Which was decided in the negative.

Yeas 9—Nays 16.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Fay, Grimes, Hackleman, Hebard, Johnson, Mitchell, Walworth, Wilson, and Wright.

Those who voted in the negative, are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Foley, McCleary, Nowlin, Robb, Roberts, Rogers, Smyth, Thompson, Wray, and Carleton, (Speaker.)

A motion was made by Mr. Grimes, to insert in the Resolution, after the words "Hughes and Williams," or with the publisher or publishers of any other newspaper in this Territory, having regard to the despatch with which they can be furnished, and the price.

Which was decided in the negative.

Yeas 11—Nays 14.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Foley, Grimes, Hackleman, Hebard, Johnson, Mitchell, Robb, Rogers, Walworth, Wilson, and Wright.

Those who voted in the negative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Fay, McCleary, Nowlin, Roberts, Smyth, Thompson, Wray, and Carleton, (Speaker.)

A motion was made by Mr. Grimes, to insert, after the words Hughes and Williams, the words, "or James Clarke."

When a motion was made by Mr. Fay, to amend by adding, "or John B. Russell."

Which was agreed to, and the amendment, as amended, adopted.



The Resolution was then read a third time, and passed.

A Message from the Council, by Mr. Wallace, their Secretary:

MR. SPEAKER:

I am directed to inform the House, that the Council have concurred in the report of the Committee of Conference upon

No. 91, H. R. File, "A Bill amendatory of an act entitled An act relative to proceedings in Chancery," &c.

The Council have also concurred in the report of the Committee of Conference upon

No. 29, H. R. File, "A Bill to organize the county of Davis," &c. And then he withdrew.

The House concurred in the report of the Committee of Conference on the foregoing Bills.

No. 72, C. File, "A bill for the limitation of actions and for avoiding vexatious lawsuits,"

Was read a second time, and referred to a Committee of the Whole House for the consideration of the same.

And after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Smyth reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same to the House with amendments.

The House concurred in the report of the Committee.

The rule was suspended for the time being, and the bill read a 3d time, and passed.

A motion was made by Mr. Grimes, to take from the table,

No. 51, C. F. "A Bill to amend an act concerning Costs and Fees," Which was agreed to.

The Bill was then read a third time, and passed.

A Message from the Council, by Mr. Wallace, their Secretary:

MR. SPEAKER:

The Council have amended the amendment of the House to

No. 73, C. F. "Joint Resolution, authorizing the Secretary of the Territory to contract for the printing of the laws of the present session.

And then he withdrew.

No. 73, C. F. The above entitled Resolution, was taken up.

And the question being put,

Will the House concur in the amendment of the Council?

It was decided in the affirmative.

Yeas 14—Nays 11.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are

Messrs. Brierly, Fay, Grimes, Hackleman, Hebard, Johnson, Mitchell, McCleary, Robb, Rogers, Thompson, Walworth, Wilson, and Wright.

Those who voted in the negative are,

Messrs. Baker, Bonney, Borland, Brophy, Culbertson, Foley, Nowlin, Roberts, Smyth, Wray and Carleton (Speaker.)



And then, on motion, the House adjourned until 7 o'clock P. M.

### 7 O'CLOCK, P. M.

Mr. Nowlin from the Committee on Claims, reported No. 167, H. R. File, "A Joint Resolution to provide payment for the binding the laws of the last session.

Which was read a first time.

And the rules suspended, and the resolution read a second time.

A motion was made by Mr. Nowlin to insert in the Resolution, the words \$1562,50.

Which was decided in the affirmative. Yeas 15, Nays 9.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Foley, Mitchell, McCleary, Nowlin, Robb, Thompson, Walworth, Wright and Carleton, (Speaker.)

Those who voted in the negative are,

Messrs. Fay, Grimes, Hackleman, Hebard, Johnson, Rogers, Smyth Wilson and Wray.

A motion was made by Mr. Walworth, to add the following:

Provided, That Hughes and Williams, shall not be allowed anything for binding said laws. Which was agreed to.

A Message from the Council, by Mr. Wallace, their Secretary:

Mr. SPEAKER:

The Council have passed

No. 74, C. File, "A Joint Resolution relative to the printing, indexing and distribution of the Laws and Journals."

In which the concurrence of the House is requested.

And then he withdrew.

A motion was made by Mr. Thompson to reconsider the vote by which \$1562,50 was inserted in

No. 167, H. R. File, "Resolution to provide payment for the binding of the laws."

And after debate, the question was put;

And was decided in the negative. Yeas 8—Nays 16.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Fay, Hackleman, Hebard, Johnson, Rogers, Smyth, Wilson and Wray.

Those who voted in the negative are,

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Foley, Grimes, Mitchell, McCleary, Nowlin, Robb, Thompson, Walworth, Wright, and Carleton, [Speaker.]

The rules were then suspended.

And the question being put, Shall the resolution pass?

It passed in the affirmative.



Yeas 16, Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Brierly, Borland, Brophy, Culbertson, Foley, Grimes, Mitchell, McCleary, Nowlin, Robb, Thompson, Walworth, Wright, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Fay, Hackleman, Hebard, Johnson, Rogers, Smyth, Wilson, and Wray.

Mr. Brophy, from the Committee to whom was referred the petition of sundry citizens of Clinton county, asking a law to be passed modifying or altering the law now in existence for the collection of debts, so as to prevent the collection of all sums under one hundred dollars, have had the same under consideration, and ask leave to make the following report:

Your Committee cheerfully subscribe to the reasoning and principles advanced by your petitioners. After giving the request of your petitioners all the consideration that their experience and time would allow. Though novel it may appear to some of our modern theorists, we sincerely believe, and honestly think, that the request of your petitioners is entitled to the consideration, if not of the present, of some future Legislature.

A portion of your Committee having had some experience since their residence in the western country, and an opportunity of fully testing the binding and irresistible influence of the law of honor, in the total absence of civil law, your Committee are fully persuaded that the law of honor is more cheerfully obeyed and adhered to than all the compulsory acts to make men honest, of ancient or modern times. Consequently, some other than the present mode, ought to be tried to accomplish what it fails to do, of rendering equal justice to all, with the least expense.

In the language of your petitioners, your Committee believe that the less law and litigation, the more prosperous the people would be, and by granting the prayer of your petitioners, it would certainly put an end to those petty law-suits that grow out of vexed and aggravated neighborhood broils, which have the most blighting influence on society, very frequently severing the social compact, and dissolving the holy bands of love, harmony, and neighborly feeling—as necessary to the happiness of the human family, and binding together society, as food is to the preservation of physical life.

Your Committee could refer to many arguments in favor of the petitioners' request, but leave much that might be said, to others more capable and more thoroughly imbued with the spirit of philanthropy.

Suffice it to say, that wherever circumstances have thrown individuals together, and from necessity they had to be governed by the law of honor, and compelled to repose confidence in each other—a reciprocity of interest has been created and fostered, which has ever been attended with the happiest results.



Your Committee are willing to admit, that the doctrine may appear strange to those who never gave it a thought, and its advocates are likely to receive, in reply to their suggestions the appellation of fool or monomaniac, or some such epithet, characteristic of some modern skeptics. But is it not more natural to obey the dictates of honor and honesty, than to obey the crude mandates of an arbitrary code which we too often throw around us as a shield to save us from the censure of an insulted and enraged community?

Your Committee also believe, that if all laws for the collection of debts were entirely dispensed with, it would have a salutary influence on the morals, consequently on the character of the American people.

Your Committee would ask the skeptical to put the question to their own breasts, and give an impartial decision, and say which of the two codes they would rather obey.

The answer is at once in the mouth of every person governed in the least degree by the dictates of a sane conscience.

In the absence of legal authority, your Committee have not a doubt in saying, and do so without fear of successful contradiction, that the law of honor is more binding, and nine cases out of ten will be lived up to where the civil code would be disregarded with impunity. The immoral tendency of our present system of collecting debts under our statuteary provisions, is obvious to the most casual observer—the false swearing—the time spent attending courts, and the enormous expense in a pecuniary point of view, that go to support an idle and office-seeking gentry, who are ever ready to bellow loudly for the rights of the dear people, when there are favors to be disposed of, their demagogical ends accomplished, they hypocritically go to work to stir up broils and law-suits, tending to subvert the best interests of a free people—stabbing at the vitals of the social system, and immolating the moral code on the altar of depravity, and embittered and useless litigation. The matter of contention very often being a mere cypher, consequently more disgraceful to our citizens, and an insult to the intelligence of the age;—the suggestion of the petitioners is worthy of a trial, and if it should not work well, we can return to the old and distrusting practice of compulsion.

The policy proposed would have a tendency to elevate the poor and honorable to a level with the wealthy, and if the rich man violated his promises, the poor man would, in public estimation, be his superior, as integrity, not property, would be the test of merit. It would make that moral distinction in community so necessary to the well-being of society—it would destroy and forever put to rest the delusions of the credit system, and restore to the whole American people that happiness so long sought for in vain.

Your Committee, on mature deliberation, would recommend that the request of the petitioners be not granted at this session of the Legislature, thinking it, perhaps, premature; and as it is a matter in which the interests of the whole Territory are involved, they fear the people are not prepared for such a radical change.



Your Committee would recommend this subject to the consideration of the inhabitants of Iowa, and wish it to be considered as among the unfinished business of the House, and deserving the early notice of the next Legislature.

The report was laid on the table.

A Message from the Council, by Mr. Wallace, their Secretary,

Mr. SPEAKER:

I herewith present for your signature,

An act to amend the several acts incorporating the town of Fort Madison.

An act to change the name of the town of Hartford in Van Buren county.

An act to re-locate a part of the Territorial Road running from Fort Madison to Lowaville on the Des Moines river.

An act declaring the streets and alleys, on the plat of Iowa City, public highways, and for other purposes.

An act to amend an act entitled an act, relative to Coroners and their duties, approved, December 23, 1839."

An act amendatory to the several acts regulating the election and duties of Sheriffs.

An act to amend an act entitled an act, establishing the prices of public printing.

An act to amend an act entitled an act, to provide for the annual organization of the Council and House of Representatives.

An act to amend an act entitled an act, to provide for the election of Justices of the Peace, to prescribe the powers and duties, and to regulate their proceedings," &c.

Joint Resolutions relative to a certain Mail Route."

I herewith return,

An act to incorporate the Mount Pleasant Collegiate Institute;

An act for the formation of the county of Madison.

An act to amend an act entitled an act, concerning Grand and Petit Jurors.

An act to provide for assessing and collecting Public Revenue.

Which have been signed by the President of the Council.

The Council have passed with amendments,

No. 153, H. R. File, "A Bill for an act to provide for taking the census and an extra session of the Legislative Assembly of the Territory." Also,

No. 166, H. R. File, "A Bill to provide for the compensation of the members and officers of both Houses of the Legislative Assembly, and for other purposes."

And then he withdrew.

The Speaker signed said acts presented for his signature.

No. 153, H. R. File, "A Bil to provide for taking the census, and an extra session of the Legislature,"

As amended by the Council, was considered.

A motion was made by Mr. Rogers to insert, after [the words "an



appropriation for the Legislature," and "the several counties for taking the census."

Which was decided in the negative.

Yeas 9—Nays 14.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Brophy, Foley, Hackleman, Hebard, Johnson, Nowlin, Rogers, Wilson, and Wright.

Those who voted in the negative, are

Messrs. Baker, Bonney, Brierly, Borland, Culbertson, Fay, Grimes, Mitchell, McCleary, Robb, Smyth, Walworth, Wray, and Carleton, (Speaker.)

The amendment of the Council was then concurred in.

No. 74, C. File, "Joint Resolutions relative to the printing, indexing, and distribution of the laws and Journals."

Was read a first time, and,

On motion of Mr. Robb,

The rules were suspended, and the Resolution was read a second time.

A motion was made by Mr. Rogers, to strike \$500—as the compensation to the Secretary. Which was decided in the negative.

Yeas 9—Nays 9.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Bonney, Brophy, Fay, Foley, Hackleman, Johnson, Rogers, Smyth, and Wright.

Those who voted in the negative are,

Messrs. Baker, Grimes, Mitchell, McCleary, Robb, Thompson, Walworth, Wray, and Carleton, (Speaker.)

The Resolution was then read a third time.

And the question being put, Shall the resolution pass?

It passed in the affirmative.

Yeas 12, Nays 7.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Brophy, Grimes, Mitchell, McCleary, Nowlin, Robb, Thompson, Walworth, Wray, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Fay, Foley, Hackleman, Johnson, Rogers, Smyth, and Wright.

A Message from the Council, by Mr. Wallace, their Secretary:

MR. SPEAKER:

The Council have passed,

No. 33, H. R. File, "Resolutions to provide for the payment of the Reports of the Supreme Court, furnished under the resolutions of the last session of the Legislature."

No. 167, H. R. File, "Joint Resolutions providing for the payment of the binding of the laws of 1842-3."



I herewith present for your signature,  
An act to amend an act entitled an act concerning Costs and Fees.  
Joint Resolution authorizing the Secretary of the Territory to contract for the printing of the laws," &c.

And then he withdrew.

The Speaker then signed said act and Resolution.

A Message from the Council, by Mr. Wallace, their Secretary:

MR. SPEAKER:

I herewith return,

An act to lay out and establish a Territorial Road from Rome, in Jones county.

An act amendatory of an act entitled an act, relative to proceedings in Chancery.

An act to organize the county of Davis, and to provide for the location of the seat of Justice thereof.

An act amendatory of an act subjecting real and personal estate to execution.

An act to amend an act entitled an act, to incorporate the town of Davenport.

Memorial to Congress for a donation of land for the Mt. Pleasant Collegiate Institute.

Joint Resolution relative to the distribution of the laws of the present session.

The Council have passed with amendments.

No. 111, H. R. File, "A Bill amendatory of an act entitled an act concerning Costs and Fees.

And then he withdrew.

No. 111, H. R. File, "A Bill amendatory of an act entitled, an act concerning Costs and Fees,"

Being returned from the Council with amendments,

A motion was made by Mr. Grimes that the House disagree to the amendments of the Council;

Which was decided in the affirmative.

Yeas 11, Nays 9.

The Yeas and Nays being demanded by two members.

Those who voted in the affirmative are,

Messrs. Brophy, Foley, Grimes, Hackleman, Johnson, Mitchell, McCleary, Smyth, Thompson, Walworth, and Carleton, (Speaker.)

Those who voted in the negative, are

Messrs. Baker, Bonney, Culbertson, Fay, Nowlin, Robb, Rogers, Wray, and Wright.

No. 166, H. R. File, "A Bill to provide for the compensation of the members and officers of the Legislative Assembly, and for other purposes,"

As amended by the Council, was considered and concurred in.

Mr. Baker, on leave, introduced

No. 170, H. R. File, "A Joint Resolution relative to an appropriation for an extra session of the Legislature."



Which was read a first time,

And the rule suspended and the resolution read a second time.

A motion was made by Mr. Rogers to insert after the words "\$5000 for an extra session of the Legislature," "and a million of dollars to pay to officers for services they have never rendered."

And was decided in the negative.

Yeas 6—Nays 15.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Foley, Hackleman, Nowlin, Rogers, Smyth, and Wright.

Those who voted in the negative are,

Messrs. Baker, Bonney, Brierly, Brophy, Culbertson, Fay, Grimes, Johnson, Mitchell, McCleary, Robb, Thompson, Walworth, Wilson, and Carleton, (Speaker.)

Mr. Bonney called for the previous question, which was seconded, demanded, and put, on the passage of the resolution?

And was decided in the affirmative.

Yeas 12, Nays 8.

The Yeas and Nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Baker, Bonney, Brierly, Brophy, Culbertson, Fay, Mitchell, McCleary, Robb, Thompson, Wright, and Carleton (Speaker.)

Those who voted in the negative are

Messrs. Foley, Grimes, Hackleman, Johnson, Nowlin, Rogers, Smyth, and Walworth.

And then,

The House adjourned until to-morrow morning at 6 o'clock.

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#### **Friday Morning, February 16, 1844.**

On motion of Mr. Hackleman,

Resolved, unanimously, That the thanks of this House be tendered to the Clerks for the able manner in which they have despatched business during the session.

On motion of Mr. Grimes,

Ordered, That a Committee of two be appointed to wait on the Council and inform them that the House has disposed of all its business, and is now ready to adjourn.

Whereupon, Messrs. Grimes and Nowlin, were appointed said Committee.

Messrs. Leffler and Elbert, a Committee from the Council, were announced, who informed the House that the Council had disposed of its business, and was now ready to adjourn.



A Message from the Council by Mr. Wallace their Secretary.

Mr. SPEAKER:

The Council have appointed Messrs. Springer and Cook a Committee to act with a Committee to be appointed on the part of the House to wait upon the Governor, to ascertain if he has any further communication to make with either House, and if not, inform him that the two Houses are now ready to adjourn, *sine die*.

And then he withdrew.

Messrs. Grimes and Thompson were appointed the Committee on the part of the House to wait upon the Governor, who retired, and after a short time, reported, that the Joint Committee had discharged the duty assigned them, and that the Governor informed them that he had no further communication to make to the Legislative Assembly.

On motion of Mr. Nowlin,

Ordered, That the House do now adjourn *sine die*.

Whereupon, the Speaker arose and addressed the House as follows:

GENTLEMEN:—The hour of our separation has at length arrived, and with it crowds upon the full heart pleasant memories and joyful anticipations. The scenes through which we have passed, and the prospect that lies before us, receive an additional lustre from the gloom which surrounds the present moment. Standing, as it were, upon a point of time, which connects the cherished associations of our sojourn here, as members of this body, with all the endearments of home and friends, we feel, on the one hand, how deep, how lasting are the friendships we have formed, and on the other, how strongly are entwined our affections around those, whose "eyes will mark our coming, and grow brighter when we come." It is in an hour like this, that man exhibits the noblest feelings of his nature, feelings which constitute the life-blood of the social system, and the poetry of life's eventful history. Yea, gentlemen, it is an hour when heart mingles with heart by sympathy, an hour sacred to friendship, and here upon its altar, at this moment, when we are about to separate, never again, perhaps, to meet this side the grave, I trust we are willing to offer up any bitterness which may have been engendered, during our intercourse with each other. To refuse to do so, aye, even to cherish its memory, when every thing connected with the present is so well calculated to soften and subdue the heart, would be treason against our nature. That heart-burnings should have grown out of the conflict of mind and of interest exhibited upon this floor, it is but natural to expect, but my own feelings at the present assure me, that their memory has faded away with the occasion that gave them birth, and now in calling up the recollections of the past, we remember only as in the reminiscences of childhood, the instances of kindness and of forbearance, which have been manifested the one towards the other.

In the discharge of the arduous duties which have devolved upon me, as Speaker of this House, allow me to say, that I have at all times aimed at right, and I am assured by the flattering testimonial which you have borne to my conduct, that I have to some extent been suc-



cessful. Agitated as the country now is, by party feeling and party excitement, I have endeavored in the position which I have occupied to you, to forget that I stood identified with either one of the great parties of the Union, and so to administer the rules of order as to secure harmony in your deliberations, and despatch in your business. And it affords me pleasure, Gentlemen, to say, that amid all the difficulties which surrounded the station I have occupied, I have experienced nothing at your hands, but kindness and forbearance, and the impression which your conduct has made upon my mind, will never fade, as long as memory continues faithful to the treasures entrusted to her care.

The true character of the work which you have accomplished, can only be known when its effects upon the great interests of our Territory, are fully ascertained. That you have aimed at their advancement, I cannot doubt—that you have been successful, must be determined by coming events. Every year is throwing greater responsibilities, upon those who are called upon to occupy this Hall as Legislators. As our population increases, and as we advance in the improvements of the age, new interests spring into existence, which are to be cherished and protected, jealousies are awakened, which are to be assuaged, and schemes of improvement projected, which are to be encouraged.

Under no circumstances, is the task of a Legislator an easy one, but it is rendered doubly difficult, when he is called upon to meet and adjust the conflicting interests of a country rapidly advancing in population, and in all the elements of wealth and greatness. The present session has fully demonstrated the truth of this statement. Difficult, however, as may have been the scenes through which you have passed,—conflicting as may have been the interests you have been called upon to adjust, you have met them in a becoming spirit, and if the greatest amount of good has not been secured to the greatest number, it has not been for the want of zeal and untiring industry in behalf of those, whose interests you have represented.

But, Gentlemen, I will not detain you longer in this moment of deep anxiety, when the full heart beats high, with the anticipation of mingling again with family and with friends. May your anticipations be realized, and in after years may it be a source of gratification and delight to you, to recur to the scenes in which you have been actors here.

And in the discharge of the last act of duty, by declaring the House adjourned *sine die*, I bid you all an affectionate farewell.







# APPENDIX.

## TERRITORIAL AGENT'S REPORT.

OFFICE OF TERRITORIAL AGENT,  
Iowa City, Dec. 1, 1843. }

*To the Honorable,*

*The Council and House of Representatives:*

In obedience to law, I herewith respectfully submit my annual report, as Territorial Agent.

Under the provisions of the act defining the duties of Territorial Agent, approved the 13th day of February, 1843, I laid off the Promenade, the Lumber Yard, and the Quarry reserve, into out-lots, and caused a regular plat thereof to be made out and certified to, by the County Surveyor, and had the same recorded by the County Recorder.

Previous to the public sales on the first Monday in May, I took to my assistance, William L. Gilbert and Stephen B. Gardner, Commissioners appointed and commissioned by the Governor for that purpose, and proceeded to re-value the unsold and forfeited lots, at the minimum of eighty dollars, as prescribed in the above recited act.

There were remaining, unsold on the first day of May last, three hundred and fifty-three city lots, and two out-lots of the original survey. In the new addition, there were ten out-lots added to the plat, also fourteen forfeited lots, together with the Governor's Square, making three hundred and seventy-eight city lots and out-lots, all of which were offered at public sale, on the first Monday of May last. At the public sale, and up to the date of this report, there have been sold twenty-five lots and out-lots, leaving three hundred and fifty-three lots remaining unsold.

Total amount of unsold lots, on the first day  
of May last,  
Sales of 1843,

\$30,900  
2,618

Amount of unsold lots,

\$28,282

Notes remaining in the office, and in the hands



of Attorneys for collection on the 1st Dec.,		
1842,		\$12,452 57
Sales of 1843,		2,618 00
		<hr/>
		\$15,070 57
Notes remaining in this office,	\$5,199 38	
Notes in the hands of Attorneys for collection,	2,402 44	
Disbursements for 1843,	7,180 11	
	<hr/>	\$14,781 93
		<hr/>
Excess of receipts over disbursements,		288 64

In compliance with law, I have finished the north gable-end and chimneys of the Capitol, and prepared two additional rooms for occupation the present season.

I have also delivered on the Public Square, near the Capitol, dimension stone for steps, and flagging for the front portico, which was as far as I could proceed the present season with the limited means within my control.

There has been no considerable demand for lots this season. The heavy sales made in 1842, in addition to the sales made the three preceding years, have supplied the demand for lots. The mechanics and laborers of this place constitute a numerous and enterprising class of citizens, who have purchased lots for work on the Capitol, and who stand ready to accomodate those who desire to purchase, upon more favorable terms than the Territorial lots are offered.

Under these circumstances, candor compels me to say, that the operations on the Capitol must be partially suspended for a limited time, unless funds can be raised from some other source than from the sales of city lots.

The sales and collections hereafter made, should be applied to the payment of the outstanding demands against this office. These demands, including the debt due the Dubuque Bank, may be estimated at nine thousand dollars.

The outstanding Scrip, of the issue of 1841, has been taken in, and for the balance, held by Murray & Sanxay, I gave them a certificate, certifying the amount, and that its redemption was authorized by law. This certificate was given on the nineteenth day of August, for one thousand three hundred and sixty-five dollars; and I recommend that legal interest be allowed thereon, from the date thereof until paid. This will enable the holders to negotiate it in business. Murray and Sanxay claim interest on the amount of Scrip held by them during the years 1842 and '43. The average amount for 1842 may be estimated at two thousand dollars, and for 1843 at one thousand five hundred dollars, up to the date of the certificate referred to—say nine months. Should this claim be allowed to them, it cannot set a precedent for similar demands for interest on the new issue of 1842, as it clearly sets forth Iowa City lots as the basis for its redemption.



Among the claims outstanding against this office, is one in favor of Shawk & Co., Lock manufacturers at Cincinnati. This company has an agency in this City, and has been in the habit of keeping a supply of locks for sale, but not having the kind wanted for the State House, their agent solicited the bill, which was furnished to *him*, and in October 1842, the shipment was made on the steam-boat Boston, which was sunk on her passage to St. Louis. The box containing those locks was reclaimed by the wreckers and sold at St. Louis, one fourth for the benefit of the owners. Shawk & Co., through their agent, demand payment from the Territory for the bill, and as I am at a loss to determine the legality of this claim, or whether the Territory is bound, in good faith, to pay it, I submit the subject for the consideration of the Legislature.

In settling the account of Chauncey Swan, late Acting Commissioner, I find him charged with the appropriation made by Congress for the Capitol at Iowa City,		\$20,000 00
Sales of Iowa City lots in the years		
1839 and '40,		35,051 75
And also several miscellaneous receipts,		1,308 00
		<hr/> \$56,359 75
Notes handed over to Jesse Williams,		
his successor in office,	\$18,283 75	
Vouchers filed in this office,	35,227 34	
Miscellaneous credits,	645 82	
Salary account, embracing several		
incidental charges,	2,520 19	
	<hr/>	\$56,677 10
Leaving a balance due Chauncey Swan of,		\$317 35
I find the receipts of Jesse Williams, late		
Territorial Agent, to be		\$19,892 24
Scrip of 1840, redeemed in 1842 and 1843,		4,385 41
		<hr/> \$24,277 65
Disbursements of 1841,	\$23,485 69	
Salary account,	758 33	
	<hr/>	\$24,244 02
Leaving a balance in favor of the Territory,		
of		\$33 63

This account, although balanced, cannot be considered as settled.—Should there be any further receipts of Scrip at this office of the issue of 1841, it will be charged to the account.

As it may be some time before the Capitol will be finished, the most judicious application should be made of the balance of notes remaining



in this office, which have accrued from the sales of 1842 and 1843, under the law authorising the sales to be made for work and materials on the Capitol, and which cannot be collected in any other way, so long as the parties hold themselves in readiness to fulfil their contracts when called upon.

In addition to these notes, there will be a demand for lots, to be paid in work, which could not otherwise be sold sufficient to complete the steps and flagging of the east front portico. These porticos were not constructed of the best materials, and especially the one on the west front, which is now so far injured as to render it necessary to rebuild it. The east front portico having been constructed of better materials, is not materially injured, and may be saved from loss by adding the steps and flagging to it the ensuing season.

The temporary roof upon the dome is not sufficient to protect the building, and should be covered with shingles, and the gable ends securely boarded up. It is also necessary for the security of the foundation of the Capitol, that a fill should be made, extending from the south-east corner, and that there should be a regular grade made, sufficient to cause the water to pass off freely from all parts of the building.

All of which is respectfully submitted.

JOHN M. COLMAN,  
Territorial Agent.

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## AUDITOR'S REPORT.

REVENUE DEPARTMENT, }  
AUDITOR'S OFFICE, IOWA, }  
Iowa City, 6th Dec. 1843. }

*To the Honorable,*

*The Council and House of Representatives of the Territory of Iowa.*

GENTLEMEN:—In compliance with the eighth section of an act of the Legislative Assembly of the Territory of Iowa, entitled "An Act providing for the appointment and duties of Auditor of Public Accounts and regulating the duties of Territorial Treasurer, I herewith submit to you the following Report:

I regret that from the fact of many of the County Officers throughout the Territory, having failed in the discharge of their respective duties relative to the Territorial Revenue, and the transmission of documents appertaining to this office, I am not prepared to exhibit the situation and condition of the revenue department of the Territory,



in that light and with that degree of accuracy and certainty which is at all times so much to be desired.

In consequence of my predecessor not having heretofore submitted regular annual reports, I have no data from which to commence this report other than the foundation and organization of this office; I shall therefore (so far as I have the means within my control) endeavor to exhibit a statement of all of the Warrants issued and the amount that has been cancelled from the 12th day of March, A. D. 1840, up to this date, also the liabilities and resources of the Territory so far as can be ascertained from the books and papers in my possession.

### **Warrants issued by Jesse Williams, late Auditor,**

#### **FOR PAY OF MILITARY OFFICERS.**

To Henry King, Brigade Inspector,	\$28 00
To Ver Plank Van Antwerp, Adjutant General,	150 00
do do	75 00
To Henry King, Brigade Inspector,	32 00
To Ver Plank Van Antwerp, Adjutant General,	75 00
To Theodore Sanxay, on account of Adjutant Gen'l.	125 00
To Henry King, Brigade Inspector,	79 00
To John W. Brown, do	32 00
To O. H. W. Stull, Adjutant General,	75 00
	—————\$671 00

#### **FOR PUBLIC BUILDINGS AT IOWA CITY.**

To John F. Rague and Company,	10,000 00
To Chauncey Swan, Acting Commissioner,	4,640 00
do do	3,360 00
To John H. M'Kenny,	45 00
To Chauncey Swan, Acting Commissioner,	1,155 00
To William Skein,	800 00
	—————\$20,000 00

#### **FOR PAYMENT OF TERRITORIAL TREASURER.**

To Thornton F. Bayless,	\$69 50
To Morgan Reno,	11 68
" do do	25 00
" do do	25 00
" do do	25 00
" do do	12 00
" do do	13 00
	—————\$181 16

#### **FOR PAYMENT OF INCIDENTAL EXPENSES.**

To O. Fairchild, for stationary, blank books, &c.	10 00
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To John H. McKenny, blanks for Auditor,	10 00
To William Green,	22 00
To M. Reno, for postage,	5 37
To John H. McKenny, for blanks,	10 00
	<hr/>
	\$57 37

## FOR CLERK'S FEES IN THE DISTRICT COURT.

To D. Hoge, Clerk, Scott county,	14 12
" John H. Lines, Clerk, Lee county,	92 24
" J. G. Morrow, Clerk, Muscatine county,	19 11
" Z. C. Inghram, Clerk, Louisa county,	9 12
" S. H. Tryon, Clerk, Linn county,	19 34
" E. Kirkpatrick, Clerk, Henry county,	36 25
	<hr/>
	\$190 13

## SHERIFFS' FEES FOR ATTENDING DISTRICT COURT.

To A. H. Davenport, Sheriff, Scott county,	6 99
" B. W. Gillock, Sheriff, Lee county,	189 73
" A. H. Davenport, Sheriff, Scott county,	54 00
" James Cameron, Sheriff, Des Moines county,	189 50
" Samuel Smith, Sheriff, Henry county,	64 50
" A. H. Davenport, Sheriff, Scott county,	9 00
" B. W. Gillock, Sheriff, Lee county,	54 00
" George McCoy, Sheriff, Cedar county,	21 00
" George W. Cummins, Sheriff, Dubuque county,	180 00
" J. H. Bonney, Sheriff, Van Buren county,	27 00
" C. M. McDaniel, Sheriff, Louisa county,	5 49
" H. W. Gray, Sheriff, Linn county,	37 87
" A. H. Davenport, Sheriff, Scott county,	13 50
" Samuel Smith, Sheriff, Henry county,	5 91
	<hr/>
	\$858 49

## WITNESS FEES IN DISTRICT COURT.

To D. Hoge, Scott county,	\$20 00
" W. Woodbridge, Linn county,	9 24
" John Grogan, Henry county,	15 00
" J. P. Box, Henry county,	12 00
	<hr/>
	56 24

## SHERIFF'S FEES FOR MAINTAINING JURISDICTION.

To H. Heffelman, Sheriff of Van Buren county,	\$50 00
" do do do do	50 00
" do do do do	50 00
" do do do do	50 00
" do do do do	50 00



## HOUSE OF REPRESENTATIVES.

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To H. Heffelman, Sheriff of Van Buren county,	\$50 00	
" do do do do	20 00	
To James Davis, Sheriff of Muscatine county,	24 72	
	<hr/>	\$344 72

## EXPENSES OF PENITENTIARY.

To Wells & Wilson,	1000 00	
" do do	1000 00	
" do do	1000 00	
" do do	1000 00	
" do do	1000 00	
" do do	500 00	
" do do	500 00	
" do do	500 00	
" do do	600 00	
To John Claypool,	437 50	
To Wells & Wilson,	500 00	
" do do	500 00	
" do do	500 00	
" do do	251 42	
To Lucy Ann Smith	61 87	
	<hr/>	\$9350 79

## FOR PAYMENT OF SUPERINTENDENT OF PUBLIC INSTRUCTION.

To William Reynolds,	\$62 50	
" do do	62 50	
" do do	85 40	
	<hr/>	\$210 40
To James Cameron, Sheriff, Des Moines county,		
attending Supreme Court,	22 00	
To John Lorton, upon Resolution of Legislature,	21 00	

## CONSTABLES' FEES FOR ATTENDING DISTRICT COURT.

To Levi Williams, Scott county,	11 00	
To Jarad Snow, do do	14 00	
	<hr/>	25 00

## FOR ARRESTING PRISONERS.

To Samuel Ralston, of Henry county,	67 85	
To Luke Booth, do do	12 00	
To Absalom Grogan, do do	22 00	
	<hr/>	101 85



**Warrants issued by the undersigned since the 1st day  
of February, 1843.**

APPROPRIATIONS BY THE LEGISLATURE.

To Laurel Summers,	\$170 00	
To Hawkins Taylor,	12 00	
To John Hawkins, adm'r. of Jas. M. Hawkins,	45 00	
	<hr/>	227 00

FOR PAY OF MILITARY OFFICERS.

To O. H. W. Stull, Adjutant General,	\$75 00	
" John Brown, Brigade Inspector,	16 00	
" D. R. Warfield, do do	56 00	
" Z. C. Inghram, President Court Martial,	7 00	
" John W. Brown, Brigade Inspector,	16 00	
	<hr/>	170 00

SHERIFF'S FEES ATTENDING DISTRICT COURT.

To James Bowen, sheriff Clinton county,	4 50	
" Hawkins Taylor, do Lee do	54 00	
" James Cameron, do Des Moines do	40 50	
" G. W. Cummins, do Dubuque do	77 00	
" Adrain Davenport, do Scott do	9 37	
" Josiah H. Bonney, do Van Buren do	15 00	
" James Davis, do Muscatine do	49 50	
	<hr/>	249 87

FOR CONTINGENT EXPENSES.

To Jones and Powell for paper, &c.,	4 00	
" Van Antwerp and Hughes, Treasury Drafts,	12 00	
" Ezra Bliss, assignee of Jos. Lancaster, Bind- ing Books,	3 00	
" William Green for warrant Record,		
" Reagan & Gilbert for Blank Book,	2 50	
" Hughes & Williams for publishing notice,	2 50	
" do " printing &c.,	4 00	
" R. W. Albright, do	24 00	
	<hr/>	61 00

SHERIFF'S FEES ATTENDING SUPREME COURT.

To Walter Butler Sheriff of Jonnson county,	30 00
" Saml. C. Trowbridge, " "	2 50



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To Walter Butler, Sheriff of Johnson county,	6 00	
	<hr/>	\$38 50

## EXPENSES OF PENITENTIARY.

To James Wilson,	149 87	
" Wilson, Perry & Co.,	206 46	
" Edwin Guthrie,	39 25	
" do do	137 00	
" do do	166 66	
To Charles Jewett,	80 00	
" John Claypool,	187 05	
" Solomon Fine,	200 00	
" George Van Baskirk,	7 50	
" J. W. and W. G. Albright,	275 81	
To Peter Miller,	108 57	
" do do	148 80	
" do do	155 64	
" William Augabright,	11 25	
" John H. Lines,	99 36	
" John C. Tull,	25 00	
" Fitzpatrick and Dorsey,	61 08	
" William Anderson,	120 84	
" do do	83 79	
" do do	395 84	
" do do	180 52	
To Richard Pritchett,	11 00	
" Stewart and Brown,	7 60	
" John Waters,	17 00	
" John Claypool,	340 27	
" John Jenkins,	6 00	
" Wells and Wilson for interest on \$7100.00,	278 08	
	<hr/>	3,500 24

## FOR CLERK'S FEES IN DISTRICT COURT.

To David Hoge, Scott county,	16 56	
" John McDonald, Jackson county,	6 50	
	<hr/>	23 06

## FOR PAYMENT OF TERRITORIAL TREASURER.

To Morgan Reno,	75 00	
" do do 3 Warrants,	150 00	
	<hr/>	225 00
To Emanuel Horner, Witness fee in the Dis-		



strict Court of Louisa county,	2 00
	<hr/>
To Wm. Reynolds, of which there is no record or memorandum, issued by Jesse Williams,	\$36,586 89
	62 52
	<hr/>
	\$36,649 41

## AMOUNT OF WARRANTS CANCELLED.

Receipted for by Jesse Williams as Auditor,	\$20,677 60
Do W. L. Gilbert do	5,446 98
	<hr/>
<i>Amount paid by the Territorial Treasurer for which there were no Warrants issued.</i>	\$26,124 66
To Thornton F. Bayless, late Treasurer,	\$114 26
To Jesse Williams, late Auditor,	153 00
To Wm. L. Gilbert, present do	148 10
To James Cameron, interest on protested draft,	4 68
	<hr/>
To O. H. W. Stull on Warrant No. 4 not cancelled,	420 04
	25 00
	<hr/>
	\$26,569 70
Deduct this amount of certificates issued by the Treasurer as per act of the Legislative Assem- bly,	3,074 54
	<hr/>
	\$23,495 16
Total amount of Warrants issued since the 12th day of March, 1840,	36,649 41
Warrants cancelled and payments by Treasu- rer,	23,495 16
	<hr/>
Amount outstanding against the Territory,	\$13,154 25

As appears from the books and papers in this office, from this amount there should be deducted such payments as have been made by the Secretary of the Territory in accordance with the act of Congress approved 29th Aug., 1842, the amount of which said payments the undersigned has not the means of ascertaining.

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*The following statement will show the situation of the accounts with the several counties in the Territory, as appears from the Records of this office, up to this date.*



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Dr.

Cr.

## CEDAR COUNTY.

1841.	To Territorial Tax,	\$37 74
1842	do do	58 07
1843	do do	47 80
		<u>\$143 61</u>

## CLAYTON COUNTY.

1840.	To Territorial Tax,	\$10 33
1841.	do do	22 01
1842.	do do	16 31
		<u>\$48 65</u>

## CLINTON COUNTY.

1839.	To Territorial Tax,	18 87
1840.	do do	14 61
1841.	do do	15 02
1842.	do do	16 68
		<u>\$65 18</u>

## DES MOINES COUNTY.

1839.	To Territorial Tax,	102 12
1840	do do	206 70
1841	do do	310 24
1842	do do	280 46
		<u>899 52</u>
1843.	Dec. 1st. By Treasurer's Receipt, Balance due the Territory,	<u>\$249 65</u>
		<u>\$649 87</u>

## DUBUQUE COUNTY.

1839.	To Territorial Tax,	130 23
1840.	do do	62 93
		<u>\$193 16</u>

## HENRY COUNTY.

1839	To Territorial Tax,	58 41
1840	do do	96 35
1841	do do	138 03
1842	do do	149 67
		<u>442 46</u>



	Dr.	Cr.
1841. Jan. 15th. By Cash rec'd from Co. Treas'r,		\$58 41
"      "      do      do		96 35
1843. Dec. 2d. By Treasurer's Receipt,		270 10
		<u>\$424 86</u>

Balance due Territory, \$17 60

## MUSCATINE COUNTY.

1839. To Territorial Tax,	23 48
1840. do do	146 85
1841. do do	146 36
1842. do do	150 06
	<u>\$466 75</u>

## SCOTT COUNTY.

1839. To Territorial Tax,	85 36
1840. do do	90 54
1841. do do	72 72
1842. do do	106 32
	<u>354 94</u>
1843. Dec. 1st. By Treasurer's Receipt,	
Balance due Scott county,	365 04
	<u>\$10 00</u>

## JACKSON COUNTY.

1840. To Territorial Tax,	25 90
1841. do do	23 42
1842. do do	40 43
	<u>\$79 75</u>

## JEFFERSON COUNTY.

1839. To Territorial Tax,	29 89
1840. do do	55 57
1841. do do	86 57
1842. do do	58 92
	<u>\$230 95</u>

## JOHNSON COUNTY.

1840. To Territorial Tax,	\$43 64
1841. do do	42 18
1842. do do	81 43
1843. do do	216 00
	<u>383 25</u>

1842. May 2d. By cash per Treasurer's Receipt, \$37 00



## APPENDIX.

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	Dr.	Cr.
1843. Sept. 10, per Treasurer's Receipt,		70 71
		<hr/> 107 71
Balance due Territory,	\$275 54	
JONES COUNTY.		
1840. To Territorial Tax,	7 39	
1841. do do	10 42	
1842. do do	11 15	
	<hr/> \$28 96	
LEE COUNTY.		
1839. To Territorial Tax,	139 07	
1840. do do	176 06	
1841. do do	297 78	
1842. do do	289 41	
	<hr/> 902 32	
1840. Jan. 6. By cash as per Treasurer's Rec't,		\$139 00
1843. Dec. 1. " Treasurer's Receipt,		464 97
		<hr/> 603 97
Balance due Territory,	\$298 35	
LINN COUNTY.		
1841. To Territorial Tax,	20 08	
1842. do do	31 11	
	<hr/> 51 19	
1843. July 20th. By Treasurer's Receipt,		37 37
Balance due Territory,	\$13 82	
LOUISA COUNTY.		
1839. To Territorial Tax,	\$39 65	
1840. do do	111 27	
1841. do do	105 03	
1842. do do	94 73	
	<hr/> 350 78	
1843. Dec. 1st. By Treasurer's Receipt,		\$234 34
Balance due Territory,	\$116 34	



Dr.

## VAN BUREN COUNTY.

1839.	To Territorial Tax,	44 15
1840.	do do	150 56
1842.	do do	246 20
1843.	do do	547 23
		<u>\$988 14</u>

## WASHINGTON COUNTY.

1839.	To Territorial Tax,	\$13 72
1840.	do do	31 31
1841.	do do	27 37
1842.	do do	36 87
1843.	do do	80 06
		<u>189 33</u>

1843. Nov. By Treasurer's Receipt,		\$22 00
Balance due Territory,	<u>\$167 33</u>	

## RECAPITULATION.

Due from Cedar county,	\$143 61	
do Clayton do	48 65	
do Clinton do	65 18	
do Des Moines do	649 87	
do Dubuque do	193 16	
do Henry do	17 60	
do Muscatine do	466 75	
do Jackson do	79 75	
do Jefferson do	230 95	
do Johnson do	275 54	
do Jones do	28 96	
do Lee do	298 35	
do Linn do	13 82	
do Louisa do	116 34	
do Van Buren do	988 14	
do Washington do	167 33	
	<u>3,784 00</u>	
Deduct balance overpaid by Scott county,	10 10	
Total amount of resources,	<u>\$3,773 90</u>	
Amount of outstanding liabilities,		\$13,154 25
Resources,		<u>3,773 90</u>
Excess of liabilities above resources,		<u>\$9,380 35</u>



It will be perceived from the foregoing statement that the amount of Territorial taxes has not been regularly transmitted to this office from some of the counties for several years past, although the proper officers in such counties have been repeatedly solicited from this office to send up the amounts of former assessments, and for the present year but few of the assessments have as yet been received.

With regard to the outstanding revenue due from the several counties, the undersigned feels well convinced, that but little, if any of it, will ever be made available to the Territory, unless some new mode should be adopted different from the present system of collecting and paying over the Territorial Revenue. In view of this, the undersigned would respectfully suggest the necessity of so amending the revenue law as to make it the duty of the Clerk of the Board of County Commissioners to forward to this office copies of the assessment rolls at the same time that they are delivered to the Collectors, and that the Collectors be directed to pay over the Territorial funds to the Territorial Treasurer, and to take his receipt therefor, and furnish to this office annually a list of the delinquents, verified by affidavit, and that there be such clauses incorporated into said law as will afford the means of coercing the several county officers into the discharge of their respective duties relative to the Territorial Revenue. Such amendments the undersigned feels assured would have a salutary effect in putting a stop to the present system of appropriating the Territorial funds to individual and county purposes.

All of which is respectfully submitted by

WILLIAM L. GILBERT,

Auditor of Public Accounts



# ABSTRACT

OF THE TERRITORIAL TREASURER'S REPORT OF DECEMBER 6th, 1843.

*To the Honorable, the Legislative Assembly:*

GENTLEMEN: In obedience to the provisions of the law imposing on me that duty, I herewith submit the annual report of this office.

*Iowa Territory in account with M. Reno, Treasurer of said Territory, for receipts and expenditures in 1843.*

	DR.	CR.
Receipts of 1st quarter, 1843, - - -		1648 35
Expenditures of 1st quarter, 1843, - - -	\$165 00	
Receipts of 2d quarter, 1843, - - -		67 00
Expenditures of 2d quarter, 1843, - - -	1496 30	
Receipts of 3d quarter, 1843, - - -		48 87
Expenditures of 3d quarter, 1843, - - -	86 97	
Receipts of 4th quarter, 1843, - - -		1504 12
Expenditures of 4th quarter, 1843, - - -	1410 02	
	<u>3158 29</u>	<u>3268 34</u>
Leaving a balance in the Treasury Dec. 6, 1843, of,		<u>110 05</u>

All of which is respectfully submitted,

By your very obedient servant,

M. RENO, Territorial Treasurer.



# RULES

## OF THE

### HOUSE OF REPRESENTATIVES.

---

#### **Duty of the Speaker.**

1. He shall take the Chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order, and on the appearance of a quorum, shall cause the journal of the preceding day to be read.

2. He shall preserve order and decorum, and speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any two members.

3. He shall rise to put a question, but may state it sitting.

4. Questions shall be distinctly put in this form to wit: "As many as are of opinion that [as the question may be] say AYE"—and, after the affirmative voice is expressed, "As many as are of the contrary opinion say No." If the Speaker doubts, or a division be called for, the House shall divide. Those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

5. The Speaker shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

6. All Committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

7. In all cases where the House is equally divided, the Speaker shall give the casting vote, and shall also vote on a call of the Ayes and Noes.

8. All acts, addresses, and joint resolutions shall be signed by the Speaker; and all writs, warrants, and subpoenas issued by order of the House, shall be under his hand and seal, attested by the clerk.

9. In case of any disturbances or disorderly conduct in the lobby, the Speaker or Chairman of the Committee of the Whole House, shall have power to have the same cleared.



**10. Order of the business of the day.**

After the Journal is read, the following order shall govern:

- 1st—Petitions or remonstrances to be offered.
- 2d—Resolutions and Notices to bring in Bills.
- 3d—Reports of Committees.
- 4th—Bills to be introduced, of which notice has been given.
- 5th—Messages and Communications on the Speaker's table.
- 6th—Bills and Resolutions ready for a second reading.
- 7th—Bills on their passage.
- 8th—Reports in possession of the House, which offer grounds for a bill, are to be taken up, in order that the bill may be ordered in.
- 9th—Bills or other matters before the House and unfinished the preceding day.

**Of Decorum and Debate.**

11. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to "Mr. Speaker," and shall confine himself to the question under debate, and shall avoid personalities.

12. If any member, in speaking or otherwise transgress the Rules of the House, the Speaker shall or any member may, call to order, in which case the member so called to order, shall immediately sit down, but may be permitted with leave of the House to explain; and the House shall, if appealed to, decide the case, but without debate. If there be no appeal, the decision of the chair shall be submitted to; if the decision be in favor of the member called to order, he is at liberty to proceed, if otherwise, he shall not be permitted to proceed without leave of the House, and if the case require it, he shall be liable to the censure of the House.

13. When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.

14. No member shall speak more than twice on the same question, without leave of the House, nor more than once until every member choosing to speak shall have spoken.

15. Whilst the Speaker is putting any question or addressing the House, none shall walk out of or across the House, or when a member is speaking shall entertain private discourse, nor whilst a member is speaking, shall pass between him and the chair.

16. No member shall vote on any question in the event of which he is immediately and particularly interested, or in any case where he was not present when the question was put, unless the Speaker again state the question.

17. Upon a division and count of the House on any question, no member without the bar shall be counted.

18. Every member who shall be in the House when the question is put, shall give his vote, unless the House, for special reasons, shall excuse him.



19. When a motion is made and seconded, it shall be stated by the Speaker, or, being in writing it shall be handed to the chair and read aloud by the clerk before debated.

20. Every motion shall be reduced to writing if the Speaker or any member desire it.

21. After a motion is stated by the Speaker or read by the clerk, it shall be deemed to be in the possession of the House, but may be withdrawn by leave of the House.

22. When a question is under debate, no motion shall be received but to adjourn; to lie on the table; for the previous question, to postpone to a day certain; to commit or amend; to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain; to commit or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition. A motion to strike out the enacting words of a bill, shall have precedence of a motion to amend, and, if carried, shall be considered equivalent to its rejection.

23. When a resolution shall be offered, or a motion made, to refer any subject, and different Committees shall be proposed, the question shall be taken in the following order:

The Committee of the Whole House; a standing Committee; a Select Committee.

24. A motion to adjourn shall be always in order excepting when a member is speaking, or the House voting; that, and the motion to lie on the table, shall be decided without debate.

25. The previous question shall be in this form; "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present; and until it is decided, shall preclude all amendment and further debate upon the main question.

26. On a previous question there shall be no debate.

27. When a question is postponed indefinitely, it shall not be acted upon again during the session.

28. Any member may call for a division of the question, which shall be divided if it comprehends questions so distinct that one being taken away, the rest may stand entire for the discussion of the House; a motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert.

29. Motions and reports may be committed at the pleasure of the House.

30. No motion or proposition on a subject different from that under consideration, shall be admitted under color of amendment.

31. When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member in the majority to move for the reconsideration thereof on the same or succeeding day, and such motion shall take precedence of all other questions except a motion to adjourn.

32. Petitions, memorials, and other papers addressed to the House,



shall be presented by the Speaker, or by a member in his place, a brief statement of the contents thereof, shall verbally be made by the introducer, and shall not be debated or decided on the day of their being first read, unless where the House shall direct otherwise, but shall lie on the table to be taken up in the order they were read.

33. A proposition requesting information from the Governor, Secretary, or any other Territorial officer, shall lie on the table one day for consideration unless otherwise ordered by unanimous consent of the House; and all such propositions shall be taken up for consideration in the order they were presented, immediately after reports are called for from select Committees, and when adopted, the clerk shall cause the same to be delivered.

34. Any five members, if the Speaker be in the chair, shall be authorized to compel the attendance of absent members.

35. Upon calls of the House, or in taking the Ayes and Noes on any question, the names of the members shall be called alphabetically.

36. No member shall absent himself from the service of the House without leave, unless he is sick or unable to attend.

37. Upon a call of the House the names of the members shall be called over by the Clerk, and the absentees noted, after which the names of the absentees shall again be called over and the Sergeant-at-Arms shall be directed by the Speaker to compel their attendance.

38. No Committee shall sit during the sitting of the House without special leave.

39. Fourteen members including the Speaker shall constitute a quorum and upon the demand of and two members the ayes and noes shall be ordered.

40. The hour to which this house shall stand adjourned from day to day shall be 10 o'clock, A. M., and 2 o'clock, P. M., unless otherwise ordered by the House.

#### Of Bills.

41. Every bill shall be introduced by motion for leave, or by an order of the House on the report of a Committee. One days' notice at least shall be given of the motion to bring in a bill.

42. Every bill shall receive three several readings in the House previous to its passage; and all bills shall be despatched in the order they were introduced, unless where the House shall direct otherwise, but no bill shall be twice read on the same day without special order of the House.

43. The first reading of a bill shall be for information; and if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

44. Upon a second reading of a bill, the Speaker shall state that it is ready for commitment, or engrossment; and if committed, then the



question shall be whether to a Select or Standing Committee, or to a Committee of the Whole House. If to a Committee of the Whole House, the House shall determine on what day; but if the bill be ordered to be engrossed, the House shall appoint the day when it shall be read a third time.

45. After a bill has been committed and reported back, it shall be considered on its second reading after the amendments of the Committee have been read.

46. After commitment and report thereof to the House, or at any time before its passage, a bill may be recommitted.

47. All bills ordered to be engrossed shall be executed in a fair round hand.

48. No amendment by way of rider shall be received to any bill on its third reading.

49. When a bill shall pass, it shall be certified by the Clerk, noting the day of its passage at the foot thereof.

#### **Of Committee of the Whole House.**

50. In forming Committees of the Whole House, the Speaker shall leave his chair, and a chairman to preside in Committee shall be appointed by the Speaker.

51. Upon bills committed to Committee of the Whole House, the bill shall be first read throughout by the Clerk or Chairman, and then again read and debated by clauses, leaving the preamble to be last considered; after report, the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.

52. All amendments made to an original motion in Committee shall be incorporated with the motion, and so reported.

53. All amendments made to a report committed to a Committee of the Whole House, shall be noted and reported as in case of bills.

54. All questions, whether in Committee or in the House, shall be propounded in the order which they were moved, except that in filling up blanks, the largest sum and longest time shall be first put.

55. The rules of the House shall be observed in Committee of the Whole House, so far as they are applicable.

56. No standing rule, or order of the House, shall be rescinded or changed, without one day's notice being given of the motion therefor, nor shall any rule be suspended except by a vote of at least two-thirds of the members present, nor shall the order of business, as established by the rules of the House be postponed or changed; except by a vote of at least two-thirds of the members present.

57. It shall be in order for the Committee on Enrolled Bills to report at any time.

58. No Bill, Memorial, or Joint Resolution shall be printed unless ordered by the House.

59. When any matter is referred to a Standing Committee, by motion of any member, it shall be the duty of the Chairman of such Stand-



ing Committee to notify such member of their time of sitting upon such matter so referred; and said member shall be permitted to confer with such Committee during their consideration of such matter.

## JOINT RULES OF BOTH HOUSES.

1. In every case of an amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference and appoint a Committee for that purpose, and the other House shall also appoint a Committee to confer, such Committee to confer, such Committee shall, at convenient hour, to be agreed on by their Chairman, meet and state to each other, verbally or in writing, as either shall choose, the reason of their respective Houses, for and against the amendment, and confer freely thereon.

2. When a message shall be sent from the Council to the House of Representatives, it shall be announced at the door of the House by the door-keeper, and shall be respectfully communicated to the Chair, by the person with whom it may be sent.

3. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Council.

4. Messages shall be sent by such persons as a sense of propriety in each House may determine to be proper.

5. After a bill shall have passed both Houses, it shall be duly enrolled by the Clerk of the House or of the Council, as the bill may have originated in the one or the other House, before it shall be presented to the Governor.

6. When bills are enrolled, they shall be examined by a Joint Committee of two from the Council and two from the House of Representatives appointed as a Standing Committee for that purpose; who shall carefully compare the enrollment with the engrossed bills as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the House in which the bill originated.

7. After examination and report, each bill shall be signed in the respective Houses; first by the Speaker of the House of Representatives, then by the President of the Council.

8. After a bill shall have been thus signed in each House, it shall be presented by the said Committee to the Governor for his approbation, it being first endorsed on the back of the roll, certifying in which House the same originated, which endorsement shall be signed by the Secretary of the House, in which the same did originate, and shall be entered on the Journal of each House; the said Committee shall report



the day of presentation to the Governor, which shall also be entered on the Journal of each House.

9. All orders, resolutions and votes, which are to be presented to the Governor, for his approbation, shall also, in the same manner, be previously enrolled, examined and signed; and shall be presented in the same manner, and by the same Committee, as provided in cases of bills.

10. When a bill or resolution, which shall have been passed in one House, is rejected in the other, notice thereof is to be given to the House in which the same may have passed.

11. When a bill or resolution, which has been passed in one House, is rejected in the other, it is not to be brought in during the same session, without a notice of five days, and leave of two-thirds of the House in which it shall be renewed.

12. Each House shall transmit to the other all papers on which any bill or resolution may be founded.

13. After each House shall have adhered to their disagreements, a bill or resolution is lost.

14. When bills which may have passed one House, are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the House making the order.

15. All Messages, Reports, or other documents, presented to either House for general information, and ordered to be printed by such House, shall, when printed, be for the use of both Houses.

It shall be the duty of the Chief Clerk of the House, or the Secretary of the Council, when any such document is ordered to be printed in their respective Houses forthwith, to communicate such order to the other, so that the same order may not be made in both Houses.

## STANDING COMMITTEES.

*On the Judiciary*—Messrs. Thompson, Grimes, Baker, Rogers, and Mitchell.

*On Common Schools*—Messrs. Bonney, Hebard, Wright, Foley and Robb.

*On Internal Improvements*—Messrs. Brierly, Wilson, Borland, Johnson, and Brophy.

*On Claims*—Messrs. Nowlin, Foley, Steele, Smyth, and McCleary.

*On Military Affairs*—Messrs. Baker, Rogers, Mitchell, Bonney and Nowlin.

*On Enrolled Bills*—Messrs. Hebard and Robb.

*On Engrossed Bills*—Messrs. Walworth and Mitchell.

*On Township and County Boundaries*—Messrs. Foley, Culbertson, Steele, McCleary, Wray, and Smyth.



*On Public Buildings*—Messrs. Johnson, Brierly, Fay, Hackleman, and Robb.

*On Expenditures*—Messrs. Hackleman, Roberts, Wray, Fay, Wilson, and Walworth.

*On Territorial Affairs*—Messrs. Rogers, Wright, Borland, Roberts, and Culbertson.

*On Roads and Highways*—Messrs. Wilson, Wright, Culbertson, Walworth, and Borland.

*On Corporations*—Messrs. Grimes, Thompson, Brophy, Johnson, and Steele.

*On Agriculture*—Messrs. Brophy, Roberts, Wray, Smyth, Brierly, and Nowlin.

*On Finance*—Messrs. Robb, Fay, Hebard, Hackleman, and McCleary.

*On the Library*—Messrs. Walworth, Foley, Nowlin, Mitchell, and Brophy.



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# JOURNAL

OF THE

HOUSE OF REPRESENTATIVES,

OF THE

SEVENTH LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF IOWA,

BEGUN AND HELD AT IOWA CITY ON THE FIRST MONDAY OF MAY, ONE  
THOUSAND EIGHT HUNDRED AND FORTY-FIVE.

FORT MADISON:

PRINTED BY R. WILSON ALBRIGHT:

1845.



JOURNAL

HOUSE OF REPRESENTATIVES

SEVENTH CONGRESS

REPORT OF THE

COMMISSIONERS OF THE LAND OFFICE

FOR THE YEAR

1859



JOURNAL  
OF THE  
HOUSE OF REPRESENTATIVES

OF THE  
LEGISLATIVE ASSEMBLY OF THE TERRITORY OF IOWA,

Begun and held at Iowa City, on Monday the fifth day of May, in the year of our Lord one thousand eight hundred and forty-five, by virtue of an Act of the Legislative Assembly, approved the 29th day of June, A. D. 1844.

19

At 12 o'clock M. the house was called to order by GEORGE W. McCLEARY, when the following named Gentlemen appeared, presented their credentials, had the requisite oath administered to them by James Trimble Esqr., and took their seats.

From the County of Lee—JACOB HUNER.

From the County of Van Buren—FREDERICK HANCOCK, GEORGE MONTAGUE, and GEORGE W. LESTER.

From the County of Des Moines—JAMES M. MORGAN, JOHN JOHNSON, EBENEZER W. DAVIS, GEORGE CHANDLER, and RICHARD NOBLE.

From the County of Henry—NORTON MUNGER, SAMUEL D. WOODWORTH, and CHARLES CLIFTON.

From the County of Jefferson—RUBEN R. HARPER.

From the County of Louisa—GEORGE W. McCLEARY.

From the County of Washington—STEPHEN B. SHELEDY.

From the County of Muscatine—ABRAHAM T. BANKS.

From the County of Johnson—HUGH D. DOWNEY.

From the Counties of Cedar, Linn, and Jones—JOSEPH R. SNYDER and JOHN TAYLOR.

From the County of Scott—JOSEPH M. ROBERTSON.

From the County of Clinton—SHUBAEL COY.



From the County of Jackson—JAMES LEONARD.

From the Counties of Dubuque, Delaware, and Clayton—DAVID S. WILSON and SAMUEL MURDOCK.

On motion of Mr. McCleary,  
Mr. Johnson was appointed Speaker *pro tempore*.

On motion of Mr. Banks,  
William Thompson of the County of Henry, was appointed Chief Clerk *pro tempore*.

On motion of Mr. McCleary,  
George W. Jeffries of the County of Louisa, was appointed assistant Clerk *pro tempore*.

On motion of Mr. Davis,  
John Lorton of the County of Des Moines, was appointed Sergeant-at-Arms *pro tempore*.

On motion of Mr. Wilson,  
Isaac Havens of the County of Dubuque, was appointed Messenger *pro tempore*.

On motion of Mr. Downey,  
Peter Conboy of the County of Johnson, was appointed Fireman *pro tempore*.

On motion of Mr. McCleary,  
Ordered, That a Committee of two be appointed to wait upon the Rev. Charles R. Fisk, and request him to open the present Session of the House, by prayer.

Messrs. McCleary and Munger were appointed said Committee.  
In a short time the Committee introduced Mr. Fisk, who engaged in public prayer.

On motion of Mr. Morgan,  
Ordered, That a Committee of three be appointed to examine the credentials of members.

The following named gentlemen were appointed said Committee, viz: Messrs. Morgan, Wilson, and Robertson.

On motion of Mr. Sheledy,  
Resolved, That the rules of the last Session of the House of Representatives, be adopted for the temporary government of this House.

On motion of Mr. Sheledy,  
Ordered, That the Editors of Newspapers and their Reporters, be admitted within the bar of this House.

Mr. Morgan, on the part of the Committee appointed to examine the credentials of members, made the following report.

The Committee appointed to examine the credentials of members



of this House, having discharged the duty assigned them, beg leave to report, that they find the credentials of the following named gentleman, correct and in accordance with law :

Abraham T. Banks, Shubael Coy, George Chandler, Charles Clifton, Ebenezer W. Davis, Hugh D. Downey, Frederick Hancock, Ruben R. Harper, Jacob Huner, John Johnson, George W. Lester, James Leonard, George W. McCleary, Samuel Murdock, George Montague, Norton Munger, James M. Morgan, Joseph K. Snyder, Stephen B. Sheledy, John Taylor, Samuel D. Woodworth, and David S. Wilson.

On motion of Mr. Robertson,

Ordered, That the Report of the Committee be concurred in.

On motion of Mr. Wilson,

Ordered, That the House do now adjourn until to-morrow morning at 10 o'clock.

## TUESDAY MORNING, 10 O'CLOCK,

May the 6, A. D. 1845.

On motion of Mr. Robertson,

Ordered, That the House do now proceed to the election of a Speaker.

Messrs. Robertson and McCleary were appointed tellers.

Mr. Robertson nominated Mr. Morgan.

The members voted; and, upon counting the ballots, it appeared that

Mr. Morgan had received  
Scattering

21 votes,  
2 votes.

Mr. Morgan, having received a majority of all the votes, was declared duly elected Speaker.

The Speaker was then conducted to the Chair, by Messrs. Robertson and McCleary, upon which he addressed the House as follows :

"GENTLEMEN :—Before entering upon the duties of the Chair, permit me to return you my unfeigned thanks for the partiality of feeling which has prompted you to honor me with so distinguished a mark of your confidence and consideration. To be called for the second time, and by a vote so nearly unanimous, to discharge the honorable and important duties pertaining to this place, is a comple-



ment of the highest character, and for which both duty and my own heart teach me to feel deeply and sincerely grateful. I beg you to be assured, gentlemen, that it shall be my constant desire and purpose, to discharge with fidelity and impartiality the duties which may devolve upon me—promising as far as in me lies, to preserve order in our proceedings, to promote harmony in our councils, and to dispense as well as exact justice in all our deliberations. And whenever I may fail to meet your wishes, (as doubtless I often shall,) I trust your kindness will impute the act to a misapprehension of duty.

Our Session, though in many respects a highly important one, is likely to be of but brief duration; nevertheless, I sincerely hope that its labors will result advantageously to our Constituents generally.

In conclusion, I would invoke that decorum which is so essential to the despatch of business, and that harmony of spirit which is so honorable to a Legislative body.

With these brief remarks, gentlemen, and again making my acknowledgments, I would announce that the Chair is now ready to receive any propositions which it may be the pleasure of the House to make."

On motion of Mr. Johnson,

Ordered, That the House proceed now to the election of a Chief Clerk.

Messrs. Johnson and Munger were appointed tellers.

Mr. Johnson nominated William Thompson of the County of Henry.

The members voted; and, upon counting the ballots, it was found that

William Thompson had received	22 votes,
And Blank	1 vote.

Mr. Thompson, having received a majority of all the votes, was declared duly elected Chief Clerk.

On motion of Mr. Robertson,

Ordered, That the House proceed now to the election of an Assistant Clerk.

Messrs. Taylor and Robertson were appointed tellers.

Mr. Taylor nominated S. W. Durham of Linn County.

Mr. Sheledy nominated M. T. Williams of Mahaska County.

The members voted; and, upon counting the ballots, it appeared that

S. W. Durham had received	15 votes,
M. T. Williams	6 votes,
And Darrah	1 vote.

Mr. Dunham, having received a majority of all the votes, was declared duly elected Assistant Clerk.



On motion of Mr. McCleary,

Ordered, That the House proceed now to the election of a Sergeant-at-Arms.

Messrs. Davis and Snyder were appointed tellers.

Mr. McCleary nominated George W. Wise of Louisa County.

The members voted; and, upon counting the ballots, it was found that

George W. Wise had received	18 votes,
And Scattering	5 votes.

Mr. Wise, having received a majority of all the votes, was declared duly elected Sergeant-at-Arms.

On motion of Mr. Taylor,

Ordered, That the House proceed now to the election of a Messenger.

Messrs. Murdock and Clifton were appointed tellers.

Mr. Wilson nominated Isaac Havens of the County of Dubuque.

The members then balloted, and upon counting the same, it was found that

Isaac Havens had received	20 votes,
And Scatering	3 votes.

Mr. Havens, having received a majority of all the votes, was declared duly elected Messenger.

On motion of Mr. Banks,

Ordered, That the House do now proceed to the election of a Fireman.

Messrs. Noble and Leonard were appointed tellers.

Mr. Banks nominated Ulmer Farnham of Muscatine County.

The members proceeded to ballot, and upon counting the same, it was found that

Ulmer Farnham had received	21 votes,
And Scatering	1 vote.

Mr. Farnham, having received a majority of all the votes, was declared duly elected Fireman.

William Thompson, Chief Clerk; S. W. Durham, Assistant Clerk; George W. Wise, Sergeant-at-Arms; Isaac Havens, Messenger; and Ulmer Farnham, Fireman; being present were duly sworn in to office.

On motion of Mr. Johnson,

Resolved, That the Secretary of the Territory, is hereby authorized to pay John Lorton, George W. Jefferies, and Peter Conboy, six dollars each for two days services as officers *pro tem.* for this House.

Mr. Wilson submitted the following:

“Resolved, That Williams and Palmer editors and proprietors of



the 'Iowa Capital Reporter,' be employed to do the incidental printing of this House during the present Session."

Mr. Sheledy made a motion to amend the resolution, by striking out all after the word "resolved," and insert the following:

"That a committee be appointed to contract with the Editors of the 'Iowa Capitol Reporter,' and 'Iowa City Standard,' for the incidental printing of this House; with instructions to apportion the same, in proportion to the Whig and Democratic representation in this House."

Which was decided in the negative.

The question then recurred on the adoption of the Resolution as offered by Mr. Wilson, and was decided in the affirmative.

On motion of Mr. Robertson,

"Resolved, That a committee of two be appointed, to wait upon the Council and inform that Body, that the House of Representatives is now organized and ready to proceed to business."

Messrs. Robertson and McCleary were appointed said Committee.

On motion of Mr. Johnson,

Ordered, That a Committee of two be appointed, to act in connection with a similar Committee to be appointed by the Council, to wait upon the Governor and inform him, that the two Houses are now organized, and ready to receive any communication he may see proper to make to them.

Messrs. Johnson and Sheledy were appointed said Committee.

On motion of Mr. Taylor,

Resolved, That the Chief Clerk be directed to make arrangements with the Post Master of this City, for the payment of postage on all letters and papers sent to and from this House during the present Session, and report the same to this House.

On motion of Mr. Davis,

"Resolved, That the Secretary of the Territory, be authorized to furnish each member of this House, with a copy of the Revised Statutes of this Territory."

On motion of Mr. McCleary,

"Resolved, That the following be the Standing Committees for the present Session:

Ways and Means;	Engrossed Bills;
Judiciary;	Expenditures;
Common Schools;	Territorial Affairs;
Internal Improvements;	Roads and Highways;
On Claims;	Corporations;
Military Affairs;	Township and County Boundaries;
Enrolled Bills;	Public Buildings; and
	Agriculture."



Mr. McCleary give notice,  
That he would on some future day, ask leave to introduce "a Bill to incorporate the Iowa University."

On motion of Mr. Johnson,  
"Resolved, That the Secretary of the Territory, is hereby requested to inform this House, what disposition has been made of the Carpet, which was on the floor of this Hall at the last Session of the Legislature."

On motion of Mr. Banks,  
Ordered, That the House do now adjourn, until to-morrow morning at 10 o'clock.

WEDNESDAY MORNING, 10 O'CLOCK,

May the 7, A. D. 1845.

James Anderson, member elect from the county of Lee, appeared, and upon motion of Mr. Hunor, was permitted to take his seat; having taken the requisite oath.

Mr. Sheledy presented the petition of 13 citizens of Township 67, R. 6, North of the Iowa River in Washington county, praying to be separated from Washington county, and attached to Johnson county.

On motion of Mr. Sheledy,  
Ordered that said petition be laid upon the table.

Mr. Wilson presented the petition of 37 citizens of Delaware county, praying for the passage of an act, authorizing the Commissioners of Delaware county, to collect one eighth of the county tax for the year 1845 in cash.

On motion of Mr. Wilson,  
Ordered, That said petition be referred to a select Committee, composed of the members from Dubuque, Delaware, and Clayton counties.

Mr. Johnson presented the account of William Green, against the the territory of Iowa, for pressing sheets and binding 2500 copies of Session Laws, of Iowa Territory of the year 1843-'44, which,

On motion of Mr. Johnson,  
Was referred to the Committee on Claims.



Mr. McClearly presented the following :

"Resolved, That the Chief Clerk be authorized to furnish each member of this House, with 30 copies of such weekly newspapers printed in this Territory, as they may direct: *Provided*, that such weekly newspapers shall be furnished at their usual subscription prices."

Mr. Robertson made a motion to amend the resolution, by striking out the word "30," and inserting instead thereof the word "20," which passed in the affirmative.

Yeas 22, Nays 3.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Chandler, Clifton, Coy, Davis, Downey, Hancock, Harper, Huner, Johnson, Leonard, Lester, Montague, Munger, Murdock, Noble, Robertson, Sheledy, Snyder, Taylor, Woodworth, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Anderson, McCleary, and Wilson.

The question was then taken on the Resolution as amended, and passed in the affirmative.

On motion of Mr. Johnson,

"Resolved, That a Committee composed of one from each judicial district, be appointed, to revise and make such alteration in the law relative to Wills and Administrators, as they may think proper and necessary, and report as soon as practicable."

Messrs. Johnson, Downey, and Taylor, were appointed said Committee.

On motion of Mr. Sheledy,

"Resolved, That a Committee of five be appointed, to report Rules for the Government of this House."

Messrs. Sheledy, McCleary, Johnson, Robertson, and Hancock, were appointed said Committee.

On motion of Mr. Davis,

"Resolved, That the Committee on Roads and Highways, be instructed, to inquire into the expediency of so amending the present law of this Territory, prescribing the powers and duties of Township Trustees, as to authorize the Trustees of the different Townships, to lay out and establish Township Roads. Also, to enquire into the expediency of so amending the present law of this Territory, prescribing the duties of Supervisors of roads, as to authorize said Supervisors, to open and work Township roads.

Mr. Wilson gave notice, that he would on to-morrow or some



future day, ask leave to introduce, "A Bill to repeal the Charter of the Miners Bank of Dubuque, and to provide for the winding up of the affairs of the same."

Mr. Johnson gave notice, that he would on some future day, ask leave to introduce, A Bill to amend "an act concerning costs and fees," "Approved Feb. 11th, 1843."

Mr. Robertson gave notice, that he would on to-morrow or some subsequent day, ask leave to introduce, "A Bill amendatory of an act for the assessment and collection of county revenue."

Mr. Chandler gave notice, that he would on to-morrow or some subsequent day, ask leave to introduce, "A Bill regulating Marriages, and dispensing with license therefor."

Mr. Hancock gave notice, that he would at an early day, ask leave to introduce, "A Bill for taking a vote of the people, on the Constitution as formed by the Convention."

Mr. Downey gave notice, that he would, on to-morrow or some subsequent day, ask leave to introduce, "A Bill for the establishment of the Bank of Iowa."

Mr. Sheledy gave notice, that he would, on to-morrow or some day thereafter, introduce, "A Bill to amend the law, in regard to Justices of the Peace and Constables, so as to extend their Jurisdictions throughout their respective counties."

The Chief Clerk, Mr. Thompson, in compliance with a Resolution of this House, reported, that he had performed the duties required of him by said Resolution, by engaging the Post Master of this City to open an account against this House, for all the postage on letters and papers sent to and from the same, for the liquidation of which account, he is to wait until there shall be a general appropriation made, for the payment of Legislative expenses.

On motion of Mr. Robertson,  
Ordered, That this House do now adjourn until 2 o'clock P. M.

## 2 O'CLOCK, P. M.

The Speaker announced the following Standing Committaes :

*On Ways and Means*—Messrs. McCleary, Sheledy, Montague, Noble, and Wilson.

*On the Judiciary*—Messrs. Murdock Munger Downey Taylor, and Johnson.

*On Common Schools*—Messrs. Sheledy, Huner, Clifton, Coy, and Lester.

*On Internal Improvements*—Messrs. Hancock, Harper, Chandler, Leonard and Woodworth.



*On Claims*—Messrs. Robertson, Wilson, Snyder, Davis, and Banks.

*On Enrolled Bills*—Messrs. Munger and Wilson.

*On Engrossed Bills*—Messrs. Taylor and Downey.

*On Expenditures*—Messrs. Johnson, Anderson, Hancock, Robertson, and Leonard.

*On Territorial Affairs*—Messrs. Wilson, Chandler, Stewart, Woodworth, and Coy.

*On Corporations*—Messrs. Davis, McCleary, Noble, Munger, and Murdock.

*On Roads and Highways*—Messrs. Harper, Stewart, Woodworth, Coy, and Lester.

*On Military Affairs*—Messrs. Leonard, Banks, Huner, Murdock, and Noble.

*On Township and County Boundaries*—Messrs. Lester, Harper, Clifton, Snyder, and Coy.

*On Public Buildings*—Messrs. Downey, Chandler, Banks, Huner, and Taylor.

*On Agriculture*—Messrs. Montague, Woodworth, Anderson, Sheledy, and Snyder.

Mr. Robertson, on the part of the Committee appointed to wait upon the Council and inform that Body, that the House of Representatives is now organized and ready to proceed to business, reported, that they had performed that duty.

On motion of Mr. Davis,

Ordered, That the House do now adjourn until to-morrow morning at 10 o'clock.

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TUESDAY MORNING, 10 O'CLOCK.

May the 8, A. D. 1845.

On motion of Mr. Wilson,

“Resolved, That the Secretary of this Territory, be requested to inform this House—the amount of the original appropriation for this Session, the amount he has paid upon the debts of the Territory, the amount still due the creditors of the Territory, and what amount of money is on hand to defray the expenses of this Session; so that we



may keep within its bounds, and, if possible pay all arrearages due for Legislative expenses."

Mr. McCleary gave notice, that he would, on some future day, ask leave to introduce, "A Bill for punishing the destruction of notices and advertisements."

Mr. Munger gave notice, that he would, on to-morrow or some future day, ask leave to introduce,

A Bill amendatory of an Act entitled, "an Act allowing and regulating writs of Attachments," "Approved 16th Feb. 1843."

A Bill amendatory of an act, entitled, "an Act to establish the time of holding the District Court in the several Judicial Districts of this Territory," "Approved 12th Feb. 1844."

And,

A Bill relative to the Probate of Wills, Executors, Administrators, Guardians, Trustees of minors, and Probate Courts, and for defining their duties.

Mr. Murdock gave notice, that he would, on some future day, ask leave to introduce,

A Bill to amend an Act entittled, "an Act regulating practice in the District Courts in the Territory of Iowa."

And,

A Bill to legalize the acts of Charles E. Bensell, former Recorder of Deeds in the County of Clayton.

The following Message from the Council, was then announced by Mr. Kenney their Secretary:

Mr. Speaker, I am directed to inform the House, that the Council have appointed Messrs. Summers and Thompson a Committee, on the part of the Council, to act with a similar Committee, on the part of the House, to wait upon His Excellency the Governor, and inform him that the two Houses are now organized, and ready to receive any communication he may now make them.

Mr. McCleary having given previous notice, and upon leave being granted, introduced,

No. 1, H. R. File, "A bill to incorporate the University of Iowa."

Which was read a first time.

Mr. Wilson, having given previous notice, and upon leave being granted, introduced,

No. 2, H. R. File, "A Bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for the winding up of the affairs of the same."

Which was read a first time.

Messrs. Summers and Thompson, a Committee from the



Council, appeared and informed the House of Representatives, that the Council were now organized, and ready to proceed to Legislative business.

Mr. Johnson, from the Committee to wait upon the Governor, reported that they had discharged the duty assigned them, and, that the Governor would send in his communication immediately.

Mr. Burr, the private Secretary of the Governor, being announced, presented the following Message from the Governor:

*Fellow Citizens of the Council,*

*And of the House of Representatives :*

Since the last meeting of the Legislative Assembly, the people of the Territory have had renewed cause of gratitude to the most High, for the many and great blessings with which he has favored them, and especially for the general prevalence of health and abundant supplies of the necessaries and comforts of life.

The tide of emigration continues to pour into our favored land a numerous and intelligent population from almost every state of the Union, and you enjoy a high and proud privilege in representing in the law making department of the Territorial Government, a people of whom it may be justly said, that in proportion to their numbers they possess as much intelligence, morality and religion as any other within the wide limits of our national sovereignty. It gives me pleasure to inform you that the laws have been duly administered, and the duties of the public functionaries faithfully performed.

The Act of the Legislature of the 12th of February 1844, "to provide for the expression of the opinion of the people of the Territory of Iowa upon the subject of a State Constitution for the State of Iowa" resulted, as you know, in the vote of a majority in favor of a Constitution, and Delegates for a Constitution having been elected in conformity to the provisions of the act, they assembled at the Capitol in November last and performed the duty assigned them. The Constitution as it came from the hands of the Convention was presented to Congress at the last Session, and an act was passed by that body for the admission of Iowa into the Union as a State, upon certain conditions, among which was our acceptance of a boundary so greatly curtailing on the North and West the limits of the proposed State, as included in the boundary adopted by the Convention, as to cause very general dissatisfaction among the people of the Territory—indeed such is the general repugnance to the boundary offered us by Congress, that I believe it will with great reluctance be acceded to at any time.

The vote taken at the election in last month for and against the Constitution, in conformity to the provisions of the act of the 12th of February 1844, to which I have before referred, though not yet officially ascertained, has certainly resulted in the rejection of that instrument, and there is reason to believe that the boundary offered



us by Congress had much influence in producing that result. The rejection of the Constitution by the vote of the people, will impose upon you the necessity of further legislation preparatory to presenting anew to Congress, our claims to admission into the Union.

The opinion prevails with many of our fellow citizens that at present, and under existing circumstances a majority would prefer to remain under the territorial government, to incurring the responsibilities and expenses of a State government; and a proper respect for the respectable minority who voted against a Convention last year, and the well known fact that many who voted for it have since changed their opinion, would seem to justify, if not require, that the question be again submitted to the people, whether or not they will at this time have a Convention, especially as no time will be lost in again presenting our claims for admission into the Union, if the majority should at the next August election vote for a Convention—and in that case the course pursued under the act of 12th of February, 1844, would bring us to the same result, in time to present the Constitution to the new Congress at its first session.

The contested boundary between the State of Missouri and this territory has recently produced consequences greatly to be regretted. Two individuals, the Sheriff and deputy Sheriff of the county of Adair, in Missouri, which has been so organized as to embrace a part of our county of Davis, have been indicted in that county.—The Sheriff for exercising his office within our boundary, without legal authority, and contrary to our Statute, and the deputy for arresting in Davis county and falsely imprisoning a citizen of this territory. In the latter case a trial was had at the last term of the District Court in that county, which resulted in a conviction and sentence of fine and ten days imprisonment in the Penitentiary. The trial of the Sheriff was continued until the next term of the Court, and upon his refusal to enter into a recognizance (without security) for his appearance, the Court ordered him to be committed to prison. The moment I received such information in relation to these transactions as I could rely upon, I pardoned Linder, (the convicted deputy Sheriff) and remitted his fine, and at the same time pardoned Mullinix the Sheriff, the offence for which he stood indicted, and directed the officers having him in custody to release him. There can be no doubt that these men in the commission of the offences against our laws, for which they were indicted acted under the authority of the State of Missouri, and in what they considered the discharge of their official duty, and hence, as well to satisfy the authorities of Missouri that we are by no means disposed to prosecute this unfortunate controversy in a vindictive spirit, I deemed it my duty to relieve their citizens from the difficulties into which they had fallen. This controversy is to be regretted, not only for the immediate and probable effects of it, but because the Territorial Government has no power to adjust it, or join in the submission of it to a competent tribunal. Congress by an act entitled "An act re-



specting the Northern boundary of the State of Missouri," approved June 17th 1844, authorized the State of Missouri, if her Legislature thought proper to assent to the provisions of the act, to appoint one Commissioner, and the Territorial authorities to appoint one, and authorized the two so appointed to select a third to act with them in the adjustment of this controversy, and the Legislature of Missouri, as I learn from a copy of the Message of the Governor of that State, passed an act to carry into effect the act of Congress, but the Governor declined to approve it and returned it with objections to its passage, and I have understood, (though not officially informed of it,) that the measure failed, so that the controversy remains as it stood before the passage of the act of Congress. I send you a copy of a letter which I addressed to the Governor of Missouri on the occasion of the discharge of the individuals prosecuted in Davis county, and respectfully recommend that you take the lead in applying to Congress to make provision for an immediate legal adjustment of the controversy. Until it can be finally settled there will be constant danger of collision between the authorities of Missouri and those of this Territory, and citizens holding office under either Government, will be subject to much inconvenience, and possibly to injury for the discharge of what they are constrained to consider their official duties. The territorial government has no power to surrender the disputed territory, if they were disposed to do so, (which they certainly are not;) it has been committed to us by the General Government, and we have at all times exercised jurisdiction over it—to abandon it therefore would be a dereliction of duty, not only to the government of the United States, but to its inhabitants, who claim to be citizens of this territory, and demand the protection of its law; some years ago this controversy came very near producing armed hostilities between the state of Missouri and this Territory. My predecessor in office, on that occasion, called a portion of the Militia into service to protect our citizens resident within the disputed tract of country, against the exercise of the jurisdiction of Missouri over them, in doing so he acted in the discharge of a duty which evidently resulted from the relation in which the Territory stands to the government of the Union; but it would seem from the repeated refusals of Congress to provide for the payment of the officers and men called into service on that occasion, that the effort then made to sustain the right of the United States against the claims of Missouri, was not considered as authorized, and hence it may reasonably be feared that our citizens would with great reluctance perform a service which receives neither money or thanks from those for whom it would be rendered. But it is hoped that a necessity will not again occur for putting their patriotism to such a test; the idea of a resort to arms between neighbors, citizens of the same government, in such a controversy cannot be tolerated, but in a case of extreme necessity, I respectfully submit the subject to your consideration, and recommend that such measures may be



adopted as you may consider best calculated to protect our citizens resident within the disputed boundary, against the necessity of submitting to the laws of two distinct and independent governments, and of being held liable to be punished for resistance to either, and by both for any offence against the penal laws common to both.

Our Indian neighbors within the Iowa Superintendency have conducted themselves with more than ordinary propriety during the last winter and present spring. The Sacs and Foxes, with a few exceptions among the latter, give strong assurance of their intention to remove next autumn from the Western part of the lands ceded by them to the United States, by the treaty of October 1842. Their removal will open an extensive, fertile and beautiful portion of the territory to immediate settlement, and subject it to the laws of the Territory. I would therefore respectfully recommend that provision be made by law for attaching it, prospectively, to the adjacent organized counties for judicial and other purposes.

In November last, the government of the United States made a second unsuccessful effort, to induce the Winnebago Indians to relinquish the Neutral Ground and take up their residence in some part of the country, appropriated to the use of the Indian tribes removed by government from within the limits of the States. This policy of the government in reference to the Indians, however unjustly it may seem to operate in some particular instances, is for the most part humane and wise, and considered in reference to the present condition and future prospects of the Winnebagoes, is peculiarly so. The large annuities paid by government and the total insufficiency of the laws enacted for their protection against the avaricious feelings and demoralizing practices of the whites, doom them (unless speedily relieved) to become the certain victims of that rage for intoxicating drinks, to which the indolent and irregular habits of the Indian race render them particularly liable.—They have become perhaps the most degraded of all the western tribes—they have no longer the habits of the Red Man—the chase is almost abandoned, and their Council fires, if kindled at all, seem only intended to light up the wretched scene of their drunkenness and debauchery. The money and provisions furnished them by government would render them, in a location suited to their habits and remote from the poisonous influences which now surround them, entirely independent of any of those casualties affecting the means of living of the most favored communities, but so long as they are supplied with liquor by the abandoned and profligate scoundrels engaged in this most nefarious traffic, they will continue to diminish in numbers and to descend if possible, into still lower depths of degradation. Neither a regard for the comforts of the Indians themselves, nor the peace and safety of the white population residing near them, seem to impose the least restraint upon these abandoned and unprincipled men, while the immense profits accruing from the successful prosecution of their trade furnish the ready means of de-



fraying the pecuniary penalties imposed by law, and leave an ample remuneration for their most philanthropic labors. I have continued to urge upon your consideration at each successive session, the importance of further and more severe legislation upon this subject, and I now again respectfully suggest the propriety of such additional legislation as will restrain the practices referred to. The consequences resulting from the continuance of this traffic, are shocking to humanity, and disgraceful to a christian people. We have undertaken the guardianship of this unfortunate race, and are responsible for its faithful execution, and I know no reason why the persons, as well as the purses of this class of offenders should not be reached, if necessary for the attainment of the object.

Our Statutory Code seems to be satisfactory to the people, and I am not aware that any material changes in it are necessary. No provision has been made for the publication of the acts of the extraordinary session of the Legislature held in the month of June of last year. I beg leave therefore to suggest the propriety of providing for their publication with the acts of the present session.

The appropriation made last year by Congress for the expenses of your session, was made subject to the payment of the arrearages of expenses of previous sessions, and has been so far applied to that purpose, as to make it necessary that your present session should be a short one, to bring the expenses of it within the amount remaining in the hands of the Secretary for their payment, and I earnestly recommend that it may not be exceeded. The creation of demands against the Territory, for the payment of which the Treasury affords no means, under the expectation, (which may be disappointed,) that Congress will provide for them, is productive of great inconvenience to those to whom they are payable, and ought to be avoided. I therefore respectfully recommend despatch in the performance of your duties, and beg leave to assure you of my readiness to co-operate with you in any measure tending to the promotion of the general good.

I am, very Respectfully,

Your ob't. Serv't.,

JOHN CHAMBERS.

IOWA CITY, }

May 5, 1845. }

(COPY.)

EXECUTIVE OFFICE, BURLINGTON, IOWA, }

April 19, 1845. }

Sir :—I have this moment learned with deep regret, that a citizen of Missouri, known by the name of William P. Linder, has been tried and convicted in the county of Davis in this Territory, upon an in-



dictment for an assault and battery, and kidnapping and falsely imprisoning one Frederick Acheson, a citizen of this Territory, and that the charge involves a question of jurisdiction over the tract of country claimed by Missouri within the assigned limits of Iowa. Mr. Linder, as I learn, justified the arrest which gave rise to the prosecution against him, under legal process issued by authority from the county of Adair, in Missouri, and put into his hands as a deputy Sheriff of that county. No official communication of the arrest of Mr. Linder, or the circumstances which gave rise to it, had been made to me, and the rumor of the collision had passed away, under the impression on my part, and that of the judge and prosecuting attorney of the Judicial District, that it had been a mere personal collision between individuals, of which it would be the better course to take no notice; but at the commencement of the term of the territorial District Court in Davis county last Monday, Mr. Preston Mullinix Sheriff of your county of Adair, and Mr. William P. Linder (the individual convicted) presented themselves in discharge of recognizances into which they had entered, and demanded to be tried. The case of Mr. Mullinix was postponed until the next term, and upon his refusal to give his *individual recognizance* for his appearance at the next term of the Court, he was of necessity, ordered to be committed to prison. Mr. Linder having urged an immediate trial, was indulged in it, and the result was as I have stated, the effects of which, as far as he is concerned, I have hastened to prevent by extending to him an unconditional pardon. I have also pardoned Mr. Mullinix the offence imputed to him and ordered him to be released from custody.

Your Excellency will, I feel confident, unite with me in deeply regretting the effects of this unfortunate conflict of jurisdiction which has given rise to these prosecutions, and will see the unpleasant predicament in which the territorial authorities are placed. Without power to adjust the dispute, and yet bound to maintain jurisdiction over the limits assigned them by the General Government, or be considered unfaithful to their trust. You will observe that by thus presenting the subject I intentionally avoid any discussion of the question of boundary—it would be useless for us to discuss that question while Iowa remains without power to adjust it, or enter into any arrangement by which it can be judicially settled; and here it is proper that I should inform you, that it is well understood here, though not yet officially ascertained, that the people have at their election held on the first Monday in this month, refused to accept the Constitution prepared for them by their Convention. Thus circumstanced the territorial authorities can exercise no control over this difficult controversy; and it must for the present remain between the United States Government and that of Missouri. Your Excellency will therefore I hope pardon me for suggesting the propriety of an application from the State authorities of Missouri to Congress, for permission to litigate the subject of boundary.



either with the territorial government or directly with that of the United States. Such an application would, I have no doubt, be seconded by the Legislative Assembly of this Territory, and the embarrassments created by this vexed question be thus gotten rid of. I had hoped that the act of Congress entitled, "An act respecting the Northern Boundary of the State of Missouri," approved June 17th 1844, might have lead to a speedy and amicable adjustment of this dispute, but I have been favored with your Excellency's objections to the bill passed by the Senate and House of Representatives of your State, giving her consent to the manner of adjustment proposed by the act of Congress, and have therefore taken the liberty to suggest another mode, or rather an application to Congress to authorise another mode, of adjustment. In the mean time, I have entire confidence that your Excellency, will unite with me in using every practicable means of prohibiting further collision between the authorities of your State and those of this Territory, until the existing difficulty can be removed.

I have the honor to be,

With great respect,

Your Excellency's Ob't. Serv't.,

[Signed] JOHN CHAMBERS,

His Excellency,

JOHN C. EDWARDS, Governor of Missouri.

Mr. Taylor made a motion,

That the Message be laid upon the table, and that the Chief Clerk be directed to furnish one thousand copies for the use of the House.

Mr. Downey made a motion,

To amend by striking out the words, "one thousand," and inserting instead thereof the words, "two thousand."

Which was decided in the negative.

Yeas 12, Nays 13.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Chandler, Downey, Hancock, Harper, Huner, Lester, Montague, Munger, Noble, Sheledy, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Banks, Clifton, Coy, Davis, Johnson, Leonard, McCleary, Murdock, Robertson, Snyder, Taylor, Wilson and Woodworth.

Mr. Montague made a motion,

To amend by striking out the words, "one thousand," and inserting instead thereof, the words "fifteen hundred."



Which was decided in the affirmative,

Yeas 14, Nays 11.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Coy, Davis, Downey, Hancock, Harper, Huner, Lester, Montague, Munger, Murdock, Noble, Sheledy, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Banks, Chandler, Clifton, Johnson, Leonard, McCleary, Rebertson, Snyder, Taylor, Wilson, and Woodworth.

The question was then put on the motion as amended, and passed in the affirmative.

On motion of Mr. Wilson,

Ordered, That forty-five copies of No. 2, H. R. File, "A bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for the winding up of the affairs of the same," be printed for the use of this House.

On motion of Mr. Taylor,

Ordered, That this House do now adjourn, until to-morrow morning at 10 o'clock.

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FRIDAY MORNING, 10 O'CLOCK,

May the 9, A. D. 1845.

Mr. Anderson presented the credentials of Mr. CHARLES STEWART, member elect from Lee county.

On motion of Mr. Anderson,

Mr. Stewart was permitted to take his seat; having taken the usual oath of office.

Mr. Johnson presented the petition of the Mayor and Aldermen of the City of Burlington, praying to have their City Charter amended; which,

On motion of Mr. Johnson,

Was referred to a special Committee, composed of the Members from the county of Des Moines.



Mr. Downey presented three accounts of William Crum for printing.

The first—for printing, in the "Iowa Standard," the Constitution for the State of Iowa, for 8 weeks—\$265 50.

The second—for publishing, in the "Iowa Standard," the Governor's Proclamation to the electors of Iowa, to elect Delegates to the Convention—\$30 00;

And,

The third—for press work, printing rules of the Council, and paper—\$111 87 1-2:

All of which,

On motion of Mr. Downey, were

Ordered, To be referred to the Committee "On Claims."

On motion of Mr. Noble,

"Resolved, That the Committee on the Judiciary, be instructed to examine the law, in reference to goods left in pledge with In-keepers, for debt or storage; and, that they report by bill or otherwise."

On motion of Mr. Montague,

"Resolved, That the Committee on Ways and Means, be instructed to inquire into and ascertain—the amount of indebtedness of the Territory; and report at the earliest possible period, the amount; and as far as practicable, to whom owing; together with the amount and kind of means belonging to the Territory to discharge the same."

On motion of Mr. Robertson,

"Resolved, That a Committee of three be appointed on the part of the House, to act in conjunction with a similar Committee, on the part of Council, to prepare joint Rules to govern the intercourse between the two Houses."

Messrs. Robertson, McCleary, and Hancock, were appointed said Committee.

On motion of Mr. Johnson,

"Resolved, That a Committee be appointed on the part of the House, to act in conjunction with a similar Committee to be appointed by the Council, to ascertain and report, on what day the present Session may be brought to a close, without injury to the public interest."

Messrs. Johnson, Downey, and Taylor, were appointed said Committee.

A Message was then received from the Council, by J. F. Kinney their Secretary.

MR. SPEAKER:

I am directed to inform the House, that the Council have appoint-



ed Messrs. Coop, Hempstead, and Bratton, a Committee on the part of the Council, to act with a similar Committee on the part of the House, in framing rules for the government of the intercourse between the two Houses."

And then he withdrew.

Mr. Sheledy gave notice, that he would, on to-morrow or some day thereafter, ask leave to introduce,

A Bill, to repeal "An act for the improvoment of sheep." "Approved 8th Feb. 1844."

Also,

A bill to provide for the expression, of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State Constioution for the State of Iowa.

Mr. Snyder gave notice, that on to-morrow or some subsequent day, he would ask leave to introduce,

A Bill to amend an act, entitled, "An act to establish a system of Common Schools."

Mr. Davis gave notice, that on to-morrow or some subsequent day, he would ask leave to introduce,

A Bill to amend an act, entitled "An act for the organization of Townships;" "Approved Feb. 17th, 1842," so as to authorize the Trustees of Townships, to act as Judges of Township elections.

Mr. Leonard gave notice, that he would on to-morrow or some future day, ask leave to introduce,

A Bill to amend "An act providing for the election of Judges of Probate."

Mr. Sheledy, from the Committee appointed to report rules for the government of this House, made the following report:

"The Committee, to whom was referred a resolution of the House, instructing them to report rules for the Government of this House, have instructed me to report the rules of the House of Representatives at their last regular Session, and recommend their adoption."

Which was concurred in by the House.

Mr. Hancock, having given previous notice, and upon leave being granted, introduced,

No. 3, H. R. File. "A bill to provide for an expression of opinion by the people of the Territory of Iowa, upon the Constitution with State boundaries as formed by the Convention."

On motion of Mr. Johnson,

The Governor's Message was taken from the table.



On motion of Mr. Johnson,

Ordered, That so much of the Governor's Message as relates—to the boundary between Iowa and Missouri, be referred to the Committee on Territorial affairs :

That, so much as relates—to attaching Territory to organized counties for Judicial and other purposes, be referred to the Committee on Township and County boundaries.

That so much as relates to—selling spiritous liquors to the Indians, be referred to the Committee on the Judiciary.

And,

That so much as relates to—State organization, be referred to the Committee on Territorial affairs.

No. 1, H. R. File, "A bill to incorporate the University of Iowa:"

Was read a second time ;

And,

On motion of Mr. McCleary,

Ordered, To be engrossed and read a third time to-morrow.

No. 2, H. R. File, "A Bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for the winding up of the affairs of the same."

Was read a second time ;

And,

On motion of Robertson,

Ordered, To be referred to a Committee of the whole House, and made the order of the day for Monday next.

On motion of Mr. Johnson,

Ordered, That Mr. Munger be added to the Committee, appointed to revise the law relative to Wills and Administration.

Mr. Taylor made a motion,

That 30 copies of the rules of this House, be printed for the benefit of its members ;

Which,

On motion of Mr. Sheledy;

Was laid on the table.

MR. SPEAKER :

Announced the following communication from the Secretary of the Territory :

"SECRETARYS OFFICE,  
IOWA CITY, May 9th 1845. }

To the Honorable,

JAMES M. MORGAN,

*Speaker of the House of Representatives.*

Sir :—I have the honor to acknowledge the receipt of a Resolution which passed your House on yesterday, requesting information



as to the ammount of the appropriation made by Congress, for the Legislative expenses of the Territory for this year, the amount that has been paid upon arrearages, the amount due thereon, and the sum of the unexpended balance.

The amount of the appropriation for the fiscal year ending July 1st, 1845, is sixteen thousand, nine hundred, and eighty-three dollars, \$16,983.

The section of the appropriation Bill embracing this item, is not in the usual form, but after the words, "incidental and miscellaneous objects," has the following, "including arrearages of expenses of of previous Sessions of said Assembly."

Of the sum above mentioned, I received in January last six thousand, nine hundred, and eighty three dollars, which I commenced paying out on the 1st day of February. My instructions from the Treasury department, were to pay in full all claims under two hundred dollars, and *pro rata* upon all above that amount. The payments have continued almost to the present day, and the full amount sent to me by the Treasury Department, has been expended in accordance with the instructions above named.

There is still due to the creditors of the Territory, upon claims ascertained to be correct, two thousand four hundred and thirteen dollars, and twenty-eight cents.

Since my arrival in this City, some small arrearage bills have been brought to my notice, which I presume are correct; and if proved up, will amount to nearly one hundred dollars, if I am properly informed as to the amount, (\$100.)

Total remaining unpaid,	\$2513 28
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There remains on hand, (a draft for which, I am expecting by every mail.) to be expended for this	
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Legislature and arrearages, ten thousand dollars,	\$10,000 00
Amount remaining due as above,	2,513 28

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\$7,486 72

Leaving seven thousand, four hundred, eighty-six dollars, and seventy-two cents for defraying the expenses of your present Session.

As your resolution concludes with a desire to keep within the bounds of the appropriation, and to pay all arrearages, I trust I shall not be considered as stepping beyond my province in mentioning the following items:

The daily expenses of the two Houses, amount to one hundred and fifty-three dollars,	\$153 00
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The milage of the last regular Session, was eight hundred and fifty dollars; which will be about the amount this Session,	850 00
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Printing and binding the Laws and Journals of the last regular Session, was over twenty-three hundred dollars, 2300 00

This is without the incidental printing, which was several hundred more.

Contingent and miscellaneous bill of last Session, stationary, fuel, lights, papers, &c., &c., &c., 2400 00

The laws and resolutions of the extra Session, remain unprinted; and will, probably, be incorporated with those of the present Session, as it is of the utmost importance that the people should have before them, the laws under which they live.

Some inconvenience and perhaps injustice, have already resulted from the fact, of the laws being in existence and yet known to but few.

The printing bills should be particularly embraced in payments, as they are the largest, often the longest waited for, and fall upon a class but poorly remunerated, who toil for the instruction of the mass.

With a cheerful desire to co-operate with the Legislature, in the worthy effort so earnestly commenced, and,

With high respect,

I am, sir, your

Ob't. servant,

S. J. BURR,

Secretary of Iowa Territory,

Which was read, and,

On motion of Mr. Robertson,  
Referred to the Committee on Ways and Means.

Mr. Downey made a motion,  
To adjourn until Monday next at 10 o'clock, A. M.

The question was put,  
And decided in the negative.

On Motion of Mr. Sheledy,  
Ordered, That the House do now adjourn until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

Mr. Robertson made the following report:

"The joint Committee appointed on the part of the House, to confer with a similar Committee on the part of the Council, have discharged the duties assigned them, and report to this House, the adoption of the joint rules which governed the intercourse between the two



Houses at their last Session, and ask to be discharged from the further consideration of the same."

Mr. Sheledy made a motion,

To take the motion for printing 30 copies of the rules of the House from the table,

Which was decided in the affirmative.

Mr. Sheledy then made a motion,

To amend the motion, so as to include the printing of the joint rules to govern the intercourse between the two Houses, and the Standing Committees of the House.

Which was accepted by Mr. Taylor,

The question was then put as amended,  
And decided in the affirmative.

Mr. Stewart presented the report of the Warden of the Iowa Penitentiary, which is as follows :

*To the Honorable the Council, and*

*House of Representatives, of the Territory of Iowa.*

The undersigned Warden of the Penitentiary, would respectfully report :

That in the spring of 1843, he was induced, as well to preserve the work already commenced as to secure the permanent economy of the prison, to carry up the walls of the main building throughout its whole extent, and roof over so as to complete a work shop, where all the prisoners might be safely and profitably worked, and thereby obviate the general evils attendant upon out door labor, as well as silence the incessant clamor already raised against the prisoners being brought in competition with the common, or every day laborer.

This would make the main building 200 feet long, by 44 in width, 13 above the water table, or 15 in all above ground. Of which 44 of the west end, would be occupied as keeper's Houses ; 56 of the middle, by the cells, blacksmith shop, shoemakers shop, and kitchen ; leaving one hundred feet of the east end for a cooper's shop.

All of which was completed by the first of December 1843, and met the approbation of the Governor and sanction of the Legislative Assembly of that year.

With this spacious shop and nine men already at my disposal, with every reasonable prospect of an increase, I was justified in the belief, that with proper tools, proper materials, and proper energy and care, I should be able to bring the expenditures within the earnings of the prison, and thus relieve the Territory from a burdensome debt, heretofore arising from this source.



In this, however, I have been disappointed; and have to report an actual loss, between the 1st of December 1843, and May 1st 1845, a period of 17 months; of six hundred and eighty eight dollars, and forty-nine cents. Various causes have contributed to bring about this deficiency, which I could not foresee or provide against. All of which will appear in the more detailed account of my proceedings.

In order to place the shop in a condition to meet my anticipations, and secure the experiment beyond the reach of failure, I took the necessary measure to supply all with an abundance of well selected tools, and also, an abundance of well selected material; and I have, now, the satisfaction to know, that all was provided which the prospect of success could suggest, or the exigency of the case demand.

The result is as follows: After deducting Sundays there are 3745 days, of which 268 have been lost by sickness and casualty, leaving 3477; of which 516 have been directed to the cooking, washing, and all other duties attendant upon the kitchen department; leaving 2961 days the actual or productive labor. Of which 94 days were employed in shoemaking and shoemending, yielding a profit of fifty-two dollars and eighty-seven cents, or a fraction over fifty-six cents per day. Of the remaining 2867—1515 were expended in the cooper-shop; which, with all the care and attention we could bestow, alone, produced in value of articles, sold and unsold, four hundred and seven-eighth dollars and forty-nine cents, or a fraction over thirty-one cents per day. This low product is attributable, in a great measure, to two causes. The first of which, is inexperience of most of the men in this kind of labor, or indeed in any other mechanical pursuit;—and secondly, to the great falling off in demand for cooper's work in the last year, and low prices consequent upon competition in sales. These, however, were temporary in their nature, and even with this formidable balance against me, I should not have abandoned the experiment, yet in its infancy, but from my inability longer to procure the proper materials, or supply the daily wants of the prison with the means at my disposal.

Having commenced in the first instance largely in debt, and without any available resource at my command, other than the issue of Scrip, which I was compelled to do, or make sale of that already on hand, which was never effected but at a loss, either to myself, or the Territory, of at least thirty per cent, which was deemed too ruinous to be borne, and was, therefore abandoned, and resort had to such employment as would afford, without issue or loss, an actual profit and meet immediate demands. And of the remaining 1352 days, 1161 were employed in chopping wood and getting timber yielding an actual income of five hundred and eighty dollars and fifty cents; or, fifty cents per day. Of the remaining; 87 days were employed in casual labor (digging cellars, &c.,) yielding forty-two dollars and forty-seven cents, or, forty-eight and a half cents per



day;—61 days in making laths and shingles, producing thirty-three dollars and fifty cents;—43 days in improvements, calculated at fifty cents per day, amounting to twenty-one dollars and fifty cents. All of which making up the 2961 working days originally to be employed, and producing in the aggregate one thousand two hundred and nine dollars and thirty-three cents. To which add thirty-one dollars and twenty-seven cents received for rents &c., together with bill of materials, tools, provisions, clothing, &c., &c., now remaining on hand and subject to be placed to the credit of the prison for the current year—five hundred and eighty dollars and forty-nine cents, as by recapitulation will be shown as follows:

Rents,		\$31 27
Improvements on Penitentiary Building	43 days,	21 50
Making shingles and laths	61 "	33 50
Shoemaking and mending	94 "	52 87
Casual labor	87 "	42 47
Cooperage	1515 "	478 49
Chopping wood and getting timber	1161 "	580 50
Bill of property on hand,		580 49
		<hr/>
		\$1,821 49

While the expenditures have amounted, during the same period, to two thousand five hundred and nine dollars and ninety-eight cents, as follows:

Warden's pay,	\$708 30
Guard's "	491 65
Boarding Guards,	211 44
Provision, salt, soap, and candles,	538 59
Clothing, including bedding,	141 62
Materials purchased,	141 80
Wood,	37 50
Tools and impliments,	85 12
Amunition,	4 62
Printing and advertising,	6 00
Medical attendance and medicine,	3 34
Rewards,	100 00
Shot Gun,	40 00
	<hr/>
	\$2,509 98
From which deduct	1,821 49
	<hr/>
Leaving actual deficiency	\$688 49

In addition to the causes already enumerated as producing this balance against us, may be added an important one—a considerable reduction in the number of convicts. Instead of an increase as was



expected, not a conviction has been had within a year, and the number is now reduced from nine to six.

While it is pleasing to have this evidence of the good morals of our citizens, it is nevertheless, a cause which should be enumerated, as operating largely against the profits of the prison. All incidental expenses are the same, whether the number of convicts be more or less. The same Warden's pay; the same wood; the same time employed in cooking; the same candles; amunition; repairs; &c., &c., have to be encountered, as well with six as with thirty. It will be seen that the avarage loss of time by sickness, for the seventeen months commencing December 1st, 1843, and ending May 1st, 1845, is twenty days to each individual, or less than one half day per week; which calculated at twenty-five cents, and added to 87 cents, (the avarage expense of boarding, clothing, and lodging each convict per week,) will give a loss and expense of one dollar and twelve and a half cents, which deduct from three dollars per week—the general price obtained—and we have a clear profit, on each additional man's labor, of one dollar and thirty-seven and a half cents per week.

It will then appear—that, had the number remained good, although the deficiency would not have been fully met, it would have been materially altered and reduced, and furnishes the probable conclusion, that should there be any considerable increase in the number of convicts, the prison will be able to support itself. This, however, I am compelled to say, cannot be the case the coming year; and should there be no change in the present system, a considerable augmentation of the debt must enevitably ensue. The Territorial Courts have now almost completed the spring Term; and, as far as I can learn, without a single conviction. The number is now six, and in a few days will be reduced, by the discharge of one of the most productive hands, to five. Of this number—one is the cook, whose light frame and shattered constitution, render him almost wholly useless for any other purpose.

Another, a Winnebago Indian, whose total ignorance of the English language, and aversion or inaptness to learn any mechanical labor, render him, also, almost wholly useless; leaving but three, absolutely, for productive labor. Prudence would dictate—that the men in charge should never be less than two; and should these be the Warden and one Guard, their salaries alone will be more then the men can earn. To avoid then the accumulation of a debt by the Territory, which seems inevitable, it has been suggested that the future management of the prison be made the subject of individual enterprise; and that it be let to some person or persons upon the best terms, which the wisdom of the legislature can devise. It is urged—that to place one in charge whose sole object was gain, would be, in a great measure, to defeat the object of prison discipline, and subject the prisoners to oppressive labor, and frequently, to inhu-



man treatment; but it is believed—that the prison might be let out under such regulations and restrictions, as will secure adequate protection to the prisoners, and meet all the objects for which the prison was created.

In regard to the item of guarding the prison, I have to say—that in the selection of the guards I have been governed, in a great measure, by circumstances; relying, as I was necessarily compelled to do, entirely upon the issue of scrip for pay, I found great difficulty in procuring those persons best adapted, by their temperament and character, for this purpose; and to this, may be in a great measure ascribed the many escapes, which have taken place since the establishment of the prison. Although the Legislature, with an eye to this, made liberal provision in allowing to guards twenty dollars per month, the object has been defeated by the mode and tardiness of pay; and it is proper I should here remark, that, although the guards have nominally received twenty dollars per month, they have not in reality, (as indeed is the case with all the officers connected with the government of the prison,) received seventy-five per cent of that sum.

While the number of Convicts amounted to nine, and some of them of the most desperate and determined character, I deemed it best to keep the two guards and never separated them, but upon the most urgent necessity; giving to each the special care and charge of his peculiar and particular number of men, which devolved the responsibility upon each, at the same time that it combined the power of both. This rule, so rigidly adhered to and almost solely departed from but once, and then but for a short time, leaving but two convicts with the guard, resulted in the unfortunate occurrence, which has made him a cripple in all probability for life, and lost one of the worst men ever let loose upon society.

The 11th section of the act creating the Penitentiary, and regulating its management, requires the person in charge, to submit, annually, to the Legislature such bylaws, rules, and regulations as were established for the discipline and government of the prison; a copy of which is herewith transmitted; in connection with these I would remark, that the mute system has been carried out as far as could be consistent with the labor engaged in; and that the convicts have generally shown a willingness to obey and conform to all the regulations of the prison. In the mode of punishments—the violent methods have been almost, or wholly, abandoned; and the more rational or humane one adopted—of awarding merit by means of approbation, and frequently half of Saturday afternoon has been given, for the purpose of washing up and reading; at which time the Bible, and the lives of self made men, of celebrated travellers—the Penny Magazine, and all other useful works, have been allowed them; which it is believrd has wakened a spirit of emulation here, and has had a tendency to soften the disposition and elevate the mind, and



at the same time, sends them into the world at the expiration of their term of service, better fitted and better disposed, to make good citizens.

I have good reason however to know that this rule is not without its exceptions, and that some are strangers to the emotions of gratitude, and insensible to marks of kindness and approbation; to such, the punishment resorted to has been of a kind, inksome and mortifying in character, as best calculated to subdue a long settled perverseness of disposition.

In their moral education, I have to report, that each convict is provided with a Bible, and although we have no settled clergyman, preaching by voluntary contribution, is occasionally had, and all Sabbaths are devoted to Bible reading and religious exercises.

While I have reported a loss of two hundred and sixty five days by sickness and casualty, with the comparatively small medical bill, it is proper I should accompany it with an explanation.

In the first place—to secure health, as far as may be, the cells are white-washed fall and spring, and from the first of May to the first of September, once a month; and, in the next—every thing inside the prison buildings which is calculated to engender sickness, is removed and the whole interior carefully cleaned up; notwithstanding this precaution, however, billious diseases of the milder kind, have prevailed to considerable extent; so much so, that I frequently found myself during the last summer unable to muster more than one or two hands able to labor; but as the cases generally yielded readily to the common remedies, a physician was deemed unnecessary, and seldom, if ever, called. During the five months next succeeding my last report, four convicts were received into the prison; making, at one time 13, of whom two have escaped; one committed suicide; three were discharged by expiration of term of service; one pardoned, a few days previous to his time of liberation; and six still remaining in confinement.

In conclusion I would remark, that I have been induced to be thus minute in detail, that the Legislature might be in possession of all the facts, and thus be enabled to take such action, as shall to them seem best calculated to meet the ends desired.

All of which is respectfully submitted.

EDWIN GUTHRIE,  
*Warden of the Penitentiary.*

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*Rules to be strictly observed by the Visitors of the Penitentiary, Gaurds and Convicts.*

1st, No Visiter is allowed to speak to any of the Prisoners without permission of the Warden.

2nd, No person is allowed to use or take away the tools or other property belonging to the Penitentiary.



3rd, The convicts must be arranged when at work, that the Guards can see them all.

4th, The chain of each convict must be examined at least twice every day.

5th, The Guards must talk no more to the convicts than is necessary to carry on their work.

6th, The Guard on watch must never leave until he is relieved by another Guard.

7th, The Guards will not be permitted to punish the convicts without the Warden's directions.

8th, The convicts must submit to all orders from the Warden and Guards.

9th, The convicts will not be permitted to talk only when it may be necessary to carry on the business in which they are engaged.

10th, The convicts will not be permitted to speak to any person except the Guard without the Warden's permission.

On motion of Mr. Stewart,

Ordered, That the report be referred to a select Committee of three.

Messrs. Stewart, Murdock, and Robertson, were appointed said Committee.

Mr. Johnson made a motion,

To adjourn until Monday morning at 10 o'clock.

Mr. Hancock made a motion,

To amend the motion by inserting, "9 o'clock to-morrow morning," instead of "10 o'clock on Monday morning," which was decided in the negative.

The question was then put on the original motion, and was decided in the affirmative.

So the House adjourned until 10 o'clock on Monday morning next.

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MONDAY MORNING, 10 O'CLOCK,

May the 12, A. D. 1845.

Mr. Sheledy presented the petition of Hiram Nordyke and Luinda Nordyke, praying for a divorce from the bonds of Matrimony.



On motion of Mr. Sheledy,

Ordered, That the petition be referred to a select Committee of three.

Messrs. Sheledy, McCleary and Munger, were appointed said Committee.

Mr. Davis presented the following accounts and receipts :

One, of James G. Edwards, for printing the Journals of the Council, for the Session of 1843-4, and other miscellanies—amounting to \$499 12 1-2; with that amount receipted by him, to Samuel J. Burr Secretary of the Territory.

One, of Express Printing Office, for printing 2500 copies of the Journals of the House of Representatives, of Iowa Territory; for the Session of 1843-44, and miscellanies—amounting to the sum of \$593 25; which was receipted by Wilson and Keesucker, to Samuel J. Burr Secretary of the Territory.

One, of William Green, for binding 2500 Session Laws, of the Territory of Iowa, for 1843-44—amounting to \$250; which is receipted by William Green, to S. J. Burr, Secretary of the Territory.

Also,

A receipt, of Peter Conboy to S. J. Burr Secretary of the Territory, for cutting wood and making fires, for the Library of said Territory, at the Session of 1843-44—for \$10.

And,

A receipt of William Windrem to S. J. Burr Secretary of the Territory, for step-ladder, shelves, and cutting wood for Library, for Session 1843-44—for \$15;

All of which, were

On motion of Mr. Robertson,

Ordered, To be referred to the Committee on Claims.

Mr. Robertson presented the account of Samuel Isaacs, for Stationary, &c., furnished the present Session of the Legislature.

Which was referred to the Committee on Claims.

Also,

An account, of the same person, for furnishing Stationary, &c., for the Convention, to frame a Constitution in 1844;

Which was,

On motion of Mr. Robertson,

Ordered, To be referred to the Committee on Ways and Means.

MR. SPEAKER,

Presented the account of O. H. W. Stull, for rent of Executive Office, from 18th May 1844, to May 18th 1845—\$100;

Which was,



On motion of Mr. McCleary,  
Ordered, To be referred to the Committee on Claims.

On motion of Mr. Davis,  
"Resolved, That a Committee of three be appointed to confer with a similar Committee, to be appointed on the part of the Council, on the subject of the length of the term of service, which the law requires of the members of this legislature; and when such service shall end; and report proceedings as early as practicable."

Messrs. Davis, Hancock, and Munger, were appointed said Committee.

On motion of Mr. McCleary,  
"Resolved, That the Speaker of this House, be authorized to grant the use of this Hall, to Ministers of all professions, at his discretion; for the purpose of public worship, on the Sabbath days."

Mr. Robertson offered the following:

"Resolved, That the Resolution which passed this House, on the 9th inst., authorizing the printing of the Rules of this House, be and the same is hereby rescinded."

Mr. McCleary made a motion,

To lay the Resolution on the table;

Which was lost.

The question was then put, on the adoption of the Resolution;  
And decided in the affirmative.

Mr. Murdock gave notice, that he would, on to-morrow or some future day, ask leave to introduce,

A Memorial, praying Congress to improve the Territorial Road leading from Dubuque to Prairie Du Chein; and, to ask an appropriation to build a bridge across the Turkey River upon said Road;

And,

A Bill to amend an act, entitled, "An act to encourage the destruction of Wolves."

Mr. Stewart gave notice, that he would, on to-morrow or some future day, ask leave to introduce,

A Bill to relocate the Seat of Justice of Lee County.

Mr. Taylor, from the Committee on engrossed bills, reported that they have examined—

No. 1, H. R. File, "A bill to incorporate the University of Iowa;"

And find the same correctly engrossed.

Mr. Murdock, from the Committee on the Judiciary, to whom was referred, so much of the Governor's Message, as relates to selling liquor to the Indians, introduced,



No. 4, H. R. File, "A Bill to prohibit and punish the sale of liquors to the Indians."

Which was read a first time.

Mr. Stewart, from the select Committee to whom was referred, the report of the Warden of the Iowa Penitentiary, introduced,

No. 5, H. R. File, "A Bill to lease the Iowa Penitentiary ;"

Which was read a first time.

Mr. Robertson, having given previous notice, and upon leave being granted, introduced,

No. 6, H. R. File, A Bill to amend an act entitled, "An act to provide for Assessing and Collecting Public Revenue," "Approved Feb. 15th, 1844."

Which was read a first time.

The following Message was received from the Council, by J. F. Kinney their Secretary.

MR. SPEAKER ;

I am directed to inform the House of Representatives, that the Council have appointed Messrs. Summers, Lefler and Shelby, a Committee on the part of the Council, to act with a similar Committee appointed on the part of the House, to ascertain and report—on what day, the present Session of the Legislature, may be brought to a close; without injury to the public interest.

I am also directed, to inform the House, that the Council have concurred in the report of the joint Committee, to prepare rules to regulate the intercourse between the two Houses; and have adopted the joint rules of the two Houses, for the Session of 1843-4;

And then he withdrew.

Mr. McCleary, having given previous notice, and upon leave being granted, introduced,

No. 7, H. R. File, "A Bill to prevent the destruction of Notices, Advertisements, &c."

Which was read a first time.

Mr. Sheledy, having given previous notice, and upon leave being granted, introduced,

No. 8, H. R. File, "A Bill to provide for an expression of the people, of the Territory of Iowa, on the subject of a formation of a State Government."

No. 9, H. R. File, "A Bill, to amend an act, entitled, 'An act amendatory of, An act to provide for the election of Justice of the Peace, to prosecute their duties and powers, and regulating their proceedings,' 'Approved Feb. 14th, 1844,' "

And,



No. 10, H. R. File, "A Bill to repeal an act, entitled, 'An act for the improvement of sheep.'"

Which were severally read a first time.

Mr. Speaker presented the Treasurer's Report, which is as follows:

## TREASURER'S REPORT.

TREASURER'S OFFICE,  
Iowa City, May 10, 1845. }

To the Honorable,

Legislative Assembly of the Territory of Iowa:

GENTLEMEN:—In accordance with law, the following is respectfully submitted as a correct statement of the receipts and disbursements of this Office, from 6th December, 1843, to 10th May, 1845.

1843.		\$ cts.
Dec. 6,	Amount in the Treasury,	74 40

*Receipts 1st Quarter, 6th Dec. 1843.*

## CEDAR COUNTY.

P. J. FRIEND, TREASURER,

By Warrant No. 62, J. W. Brown,	16 00
" Cash,	31 10

## JOHNSON COUNTY.

THOS. SNYDER, TREASURER,

By Treasury Draft No. 6, Wm. L. Gilbert,	15 00
" Warrant, " 66, S. H. Tryon,	19 34
" " " 42, Z. C. Inghram,	7 00
" Cash,	10 00

## JONES COUNTY.

By Treasury Draft, No. 4, C. C. Reid,	21 00
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## JOHNSON COUNTY.

T. SNYDER, TREASURER,

By Treasury Certificate, No. 37, Murray & Sanxay,	16 00
" Warrant, " 11, S. C. Trow-bridge,	2 50
" Cash	28 00

Total amount end of 1st qr. 5th March 1844.	240 34
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1843. *Disbursements 1st Quarter, 1843, Dec. 6.*

Warrants,		\$	cts.	\$	cts.
No. 62,	J. W. Brown,		16	00	
	Wm. L. Gilbert, salary as Auditor of				
	Public accounts,		164	00	
" 66,	S. H. Tryon,		19	34	
" 42,	Z. C. Inghram,		7	00	
" 11,	S. C. Trowbridge,		2	50	
	Murray & Sanxay, Treasury Certificate No. 37,		16	00	
				<hr/>	
Total amount end 1st quarter 1843,				224	84
				<hr/>	
Balance in the Treasury on 5th March, 1844,				15	50

*Receipts 2nd Quarter.*

1844. JEFFERSON COUNTY.

March 6. By Warrant No. 92, John Claypoole, 56 10

WASHINGTON COUNTY.

By Treasury Draft No. 11, Wm. L. Gilbert, 45 00

MUSCATINE COUNTY.

By Treasury Draft No. 13, Wm. L. Gilbert, 5 00

JOHNSON COUNTY.

T. SNYDER, TREASURER,

By Treasury Draft No. 10, Wm. L. Gilbert, 20 00

" " " " 9, S. C. Trowbridge, 3 09

LOUISA COUNTY.

By Treasury Draft No. 12, Wm. L. Gilbert, 20 00

HENRY COUNTY.

By Treasury Certificate No. 22, J. W. & W. G. Albright, 202 73

Total amount end of 2nd quarter, 367 42

*Expenditures 2nd Quarter, 5th March 1844.*

Warrants,  
No. 92, John Claypoole, 56 10



## HOUSE OF REPRESENTATIVES.

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Warrants.		\$ cts.	\$ cts.
No. 64,	J. G. Greene,	3 00	
" 124,	S. C. Trowbridge,	3 09	
	J. W. & W. G. Albright, Treasury Certificate No. 22,	202 73	
	Wm. L. Gilbert, salary as Auditor of Public accounts,	48 00	
Total amount end of 2d quarter,			312 92
Surplus in the Treasury, 5th June 1844.			54 50

*Receipts 3rd Quarter, 1844, from 6th of June.*

## LEE COUNTY.

1844.			
June 6.	By Warrant No. 113, Edwin Guthrie,	407 99	
	" " " 116, " "	235 43	
	" Treasury Certificate No. 7, James Wilson,	48 82	

## VAN BUREN COUNTY.

By Warrant No. 17, Henry Heffleman,	50 00
" " " 15, " "	50 00
" " " 16, " "	50 00
" " " 13, " "	50 00
" " " 18, " "	50 00
" " " 52, J. H. Bonney,	15 00
" " " 22, Maj. Henry King,	32 00
" " of March 13, 1840, Maj. Henry King,	28 00
" " No. 92, Anderson & McHenry,	7 77
" " " 121, Henry Heffleman,	20 00
" " " 119, " "	25 00
" " " 120, " "	21 00
" " " 19, " "	20 00
" " " 75, A. W. Noe,	40 50
" Treasury Certificate, No. 17, Wm. Augabright,	8 27
" " " 6, Solomon Fine,	147 00
" " " 24, Fitzpatrick & Dorsey,	44 90

Total amount end of 3rd quarter,	1406 18
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*Disbursements 3rd Quarter, 1844, from 6th June.*

Warrants.	
No.	Wm. L. Gilbert salary as Auditor of



Warrants. No.		\$ cts.	\$ cts.
	Public accounts,	10 00	
	James Wilson, Treasury Certificate No. 7,	48 82	
" 116,	Edwin Guthrie,	235 43	
" 113,	" "	407 99	
" 17,	Henry Heffleman,	50 00	
" 15,	" "	50 00	
" 16,	" "	50 00	
" 13,	" "	50 00	
" 18,	" "	50 00	
" 52,	J. H. Bonney,	15 00	
" 22,	Maj. Henry King,	32 00	
" "	" " " March 13, 1840.	28 00	
" 95,	Anderson & McHenry,	7 77	
" 121,	Henry Heffleman,	20 00	
" 119,	" "	25 00	
No. 120,	Henry Heffleman,	21 00	
" 19,	" "	20 00	
" 75,	A. W. Noe,	40 00	
	Fitzpatrick & Dorsey, Treasury Cer- tificate No. 24,	44 90	
	William Augabright, Treasury Cer- tificate No. 17,	8 27	
	Solomon Fine, Treasury Certificate No. 6,	147 00	
Total amount end of 3rd quarter,			1361 68
Balance in Treasury 5th Sept. 1844,			44 50

*Receipts from 5th September, 1844, to 31st December, 1844.*

#### MUSCATINE COUNTY.

1844.	By Treasury Draft No. 7, W. G. Woodward,	3 00
	" " " " 5, T. S. Parvin,	33 75

#### WASHINGTON COUNTY.

	By Treasury Draft No. 17, Wm. L. Gilbert,	8 18
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#### JOHNSON COUNTY.

	By Treasury Draft No. 8, to Bearer,	1 31
	" " " " 15, Wm. L. Gilbert,	10 00
	" " " " 16, M. P. McAllaster,	40 00



## HOUSE OF REPRESENTATIVES.

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## JONES COUNTY.

\$ cts.

1844. By Treasury Draft No. 14, Wm. L. Gilbert, 23 00

## LINN COUNTY.

By Treasury Draft 15th September, 1844, to  
Wm. L. Gilbert, 7 93

## VAN BUREN COUNTY.

G. B. ALEXANDER, TREASURER,

By Warrant No. 140, Josiah H. Bonney,	11 59
" " " 139, Elisha Cutler,	5 31
" " " 141, Anderson & McHenry,	3 15
" " " 142, Fry B. Hazeltine,	5 12

## DES MOINES COUNTY.

H. MOORE, TREASURER,

By Warrant No. 4, O. H. W. Stull,	50 00
" " " 79, Ozra Hall,	57 50
" " " 112, T. F. Scott,	62 64
" Treasury Certificate No. 29, James Cameron,	223 31
" " " " 31, Jones & Powell,	73 50
" " " " 8, Wilson, Perry, & Co.,	151 65

## JOHNSON COUNTY.

T. SNYDER, TREASURER,

By Territorial taxes	14 99
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Total amount,	830 43
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*Disbursements from 5th Sept. 1844, to 31st Dec. 1844.*

## Warrants.

Wm. L. Gilbert salary as Auditor of Public accounts,	11 11
No. 130, Morgan Reno,	77 44
" 129, " "	75 00
" 139, Elisha Cutler,	5 31
" 140, J. H. Bonney,	11 59
" 141, Anderson & McHenry,	3 15
" 142, Fry B. Hazeltine,	5 12
" 4, O. H. W. Stull,	50 00
" 79, Ozra Hall,	57 50
" 112, T. F. Scott,	62 64
James Cameron, Treasury Certificate No. 24,	223 31



Warrants.	\$	cts.	\$	cts.
Jones & Powell, Treasury Certificate No. 31,	73	50		
Wilson, Perry, & Co. Treasury Certificate No. 8,	151	65		
Murray & Sanxay, Treasury Certificate No. 39,	10	00		
Total amount,			817	32
Balance in Treasury 31st Dec. 1844,			13	11

*Receipts 1st Quarter from 31st December, 1844.*

#### JEFFERSON COUNTY.

G. SMITH, TREASURER,

1845.	By Warrant No. 118, John Claypoole,	90	26
	" Treasury Certificate No. 13, John Claypoole,	137	48

#### LINN COUNTY.

HORACE N. BROWN, TREASURER.

By Cash,	12	00
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#### LOUISA COUNTY.

GEORGE F. THOMAS, TREASURER,

By Warrant No. 122, O. H. W. Stull,	112	50
" " " 127, Crow & Walker,	80	00
" " " 51, Emanuel Horner,	2	00

#### JOHNSON COUNTY.

THOS. SNYDER, TREASURER,

Feb. 11.	By Warrant No. 146, Wesly Jones,	2	25
	" " " 109, Charles Martin,	2	00
	" " " 124, James P. Carleton,	3	00
	" " " 115, Wm. P. Doty,	19	50
	" Cash,	41	69

#### MUSCATINE COUNTY.

By Treasury Draft No. 19, Wm. L. Gilbert,	165	50
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#### WAPELLO COUNTY.

THOS. FOSTER, TREASURER.

March 2.	By Revenue for the year 1844,	30	00
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## HOUSE OF REPRESENTATIVES.

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## SCOTT COUNTY,

A. H. MILLER, TREASURER,

1845.

	\$	cts.
March 26. By Warrant No. 73, John W. Brown,	32	00
“ “ “ 71, Levi Williams,	11	00
“ “ “ 70, A. H. Davenport,	13	50
“ “ “ 46, John G. McDonald,	6	50
“ Treasury Draft No. 20, Wm. L. Gilbert,	50	00
“ Certificate, No. 40, Murray & Sanxay,	36	77
“ Cash,	24	39

## DUBUQUE COUNTY.

PATRICK QUIGLEY, TREASURER.

March 28. By Warrant No. 43, Geo. W. Cummings,	77	00
“ Cash,	105	79

## JACKSON COUNTY.

ROBERT REED, TREASURER,

By Revenue for year 1844,	40	00
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## KEOKUK COUNTY,

W. W. BROWN, TREASURER,

By Revenue for year 1844,	15	51
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Total amount,	1123	75
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*Disbursements 1st Quarter, from 31st Dec. 1844.*

Warrants,		
No. 118, John Claypoole,	90	26
“ “ Treasury Certificate		
“ “ No. 13,	137	48
“ 51, Emanuel Horner,	2	00
“ 127, Crow & Walker,	80	00
“ 122, O. H. W. Stull,	112	50
“ 146, Wesley Jones,	2	25
“ 109, Charles Morton,	2	00
“ 124, James P. Carleton,	3	00
“ 115, William P. Doty,	19	50
Wm. L. Gilbert, salary as Auditor of		
Public accounts,	185	19
“ 128, Morgan Reno,	75	00
“ 46, John G. McDonald,	6	50
“ 70, A. H. Davenport,	13	50



Warrants,	\$ cts.	\$ cts.
No. 71, Levi Williams,	11 00	
" 73, John W. Brown,	32 00	
Murray & Sanxay, Treasury Certificate No. 40.	36 77	
" 43, George W. Cummings,	77 00	
Total amount,		885 95
Excess of receipts 31st March, 1845,		237 80

*Receipts 2nd Quarter, 1845.*

1845.

## JEFFERSON COUNTY.

April 1. By Territorial Revenue, for 1844, 160 69

## CEDAR COUNTY.

" 4. By Territorial Revenue, for 1844, 89 15

## JONES COUNTY.

" 19. By Territorial Revenue, for 1844. 29 71

## LEE COUNTY.

May 1.	By Warrant No. 156, Anderson & McHenry,	36 00
"	" " 117, John A. Drake,	19 00
"	" " 136, Charles Jewett,	69 44
"	" " 145, " "	26 66
"	" " 83, " "	20 00
"	" " 90, Charles Morton,	40 00
"	" " 97, David Myers,	40 26
"	" " 84, Elias Frits,	20 00
"	" " 96, Thomas F. Scott,	60 12
"	" " 153, Edwin Guthrie,	34 00
"	Treasury Certificate, No. 2, Edwin Guthrie,	28 85
"	" " 11, John Waters,	12 49
"	" " 26, John C. Tull,	18 38
"	" " 15, Peter Miller,	109 37

## WASHINGTON COUNTY.

" 5. By Territorial revenue, for 1844, 93 00



## HENRY COUNTY.

1845,		\$	cts.
	By Warrant No. 85, Samuel Smith,	5	91
	" " " 154, Edwin Guthrie,	59	37
	" " " 100, Charles Jewett,	47	00
	" " " 150, Richard Brazier,	3	33
	" " " 149, Thadiaz S. Chamberlin,	60	00
	" Cash,	35	24

## VAN BUREN COUNTY.

May 9,	By Warrant No. 111, Daniel McConn,	180	00
	" " " 134, Anderson & McHenry,	41	40
	" " " 106, Charles Morton,	14	93
	" " " 137 John Moysce,	52	50
	" Treasury Certificate No. 21, Wm. Anderson,	132	69

## DAVIS COUNTY.

By Territorial Revenue, for 1844,	19	65
Total amount of receipts to 10th May, 1845,	1796	94

*Disbursements 2nd Quarter from 1st April, 1845.*

Warrants,		\$	cts.	\$	cts.
No. 164.	Morgan Reno,	225	00		
	William Abbe, Treasury Certificate				
	No. 32,	6	79		
	William L. Gilbert, salary as Auditor				
	of Public Accounts,	108	60		
" 158,	O. H. W. Stull,	50	00		
" 156,	Anderson & McHenry,	36	00		
" 117,	John A. Drake,	19	00		
" 136,	Charles Jewett,	69	44		
" 145,	" "	26	66		
" 83,	" "	20	00		
" 90,	Charles Morton,	40	00		
" 97,	David Myers,	40	26		
" 84,	Elias Frits,	20	00		
" 96,	Thomas F. Scott,	60	12		
" 153,	Edwin Guthrie,	34	00		
	" " Treasury Certificate				
	No. 2,	28	85		
	John Waters, Treasury Certificate				
	No. 11,	12	49		
	John C. Tull, Treasury Certificate				
	No. 26,	18	38		



Warrants,		\$	cts.	\$	cts.
	Peter Miller, Treasury Certificate No. 15,	109	37		
No. 154,	Edwin Guthrie,	59	37		
" 100,	Charles Jewett,	47	00		
" 150,	Richard Brazier,	3	33		
" 149,	Thadiaz S. Chamberlin,	60	00		
" 85,	Samuel Smith,	5	91		
	Malcom Murry, Treasury Certificate No. 34,	132	30		
	Wm. Anderson, Treasuay Certificate No. 21,	132	69		
" 137,	John Moyce,	52	50		
" 106,	Charles Morton,	14	93		
" 134,	Anderson & McHenry,	41	40		
" 111,	Daniel McConn,	180	00		
Total amount to 10th May 1845.				1654	39
Excess of receipts to 10th May 1845.				142	55
Total amount of receipts, from 6th December, 1843, until the 10th of May, 1845.				5325	25
Add the Excess in Treasury 6th Dec. 1843,				74	40
Making in all,				5399	65
Disbursements for the same time,				5257	10
Leaving an Excess of receipts in the Treusury of				142	55

All of which is respectfully submitted,

By Your most ob't. Servant,

MORGAN RENO,  
Territorial Treasurer,

On motion of Mr. Hunor,

Ordered that the reading of The Report, be dispensed with.

On motion of Mr. McCleary,

Ordered that the Report, be referred to the Committee on Ways and Means.

Mr. Speaker presented the Report, of the Territorial Agent; which is as follows :



OFFICE OF TERRITORIAL AGENT,  
IOWA CITY, MAY 5th, 1845. }

*To the Honorable the Council, and*

*House of Representatives, of the Territory of Iowa.*

In conformity to the requisition of law, I herewith submit my Report as Territorial Agent.

Since the last Report of the late Territorial Agent, of Dec. 1st, 1843—the receipts of the office appear to be	\$4472 43
Disbursements since same period,	4099 55
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Excess of Receipts over disbursements,	472 88

Amount of unsold Lots on the 1st Dec. 1843, and lots forfeited since that period,	29,016 66
Sale of Lots since Dec. 1st, 1843,	1,406 66
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Amount of unsold Lots,	27,610 00
Notes remaining in the office,	2,354 20
	<hr/>

Total amount of unsold Lots and notes,	\$29,964 20
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In obedience to law, I have made a settlement with the late Territorial Agent, John M. Coleman, and the following is the result:—

Notes received by him of Jesse Williams,	\$13,013 87
Amount of sale of Lots,	26,934 00
Amount of scrip issued in 1842,	3,300 00
Amount of certificates and notes issued and outstanding,	2,172 50
Incidental receipts, including interest account,	1,397 00
	<hr/>
	46,817 37

Notes remaining in the office,	2,354 20
Notes, and certificates surrendered on forfeited Lots,	2,950 65
Vouchers filed in the office, and miscellaneous credits allowed on settlement,	32,038 61
Scrip of the issue of 1841 cancelled,	4,451 71
Scrip of the issue of 1834 do.	3,193 00
Salary account,	2,037 50
	<hr/>
	47,025 67

Balance due John M. Coleman,	\$208 30
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The outstanding debts against the office may be estimated at something over eight thousand dollars, and without some provision for their payment other than the sale of lots or collections, they must necessarily remain unpaid for a considerable length of time, and some of the creditors consequently suffer considerable inconvenience.

It will be perceived, by the amount of sales since December 1st 1843, that the demand for lots is very limited. One cause of this is, the most desirable lots have been sold, and those who have previously purchased for labor and materials upon the Capitol, are now enabled to offer greater inducements to purchasers, than can be offered by the Territory—especially in regard to the location of property.

The notes now in the office, being payable in labor and materials, (with a very small exception,) no reliance can be placed upon means from this source to meet the demands against this office; neither can any thing more of consequence be done upon the Capitol, with the limited means at my disposal.

I would respectfully recommend that some provision be made, for the relief of Mr. William B. Snyder, whose property in Cincinnati is held, and, (as I am informed,) about to be sold for the payment of a debt contracted for shingles for the Capitol, through his agency, while acting as superintendent of the public buildings.

All of which is respectfully submitted,

ANSON HART,  
*Territorial Agent.*

On motion of Mr. McCleary,

Ordered, That the report be referred to the Committee on Ways and Means.

No. 3, H. R. File. "A bill to provide for an expression of opinion by the people of the Territory of Iowa, upon the Constitution with State boundaries as formed by the Convention,"

Was read a second time,

And,

On motion of Mr. Hancock,

Ordered, To be laid on the table, subject to the order of the House; and that 45 copies be printed for the benefit of the Legislature.

No. 1, H. R. File, "A bill to incorporate the University of Iowa;"

Was read a third time, passed and title agreed to.

Ordered that the Council be informed thereof.

No. 2, H. R. File, "A Bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for the winding up of the affairs of



the same." Being the order of the day, was considered in Committee of the whole House; Mr. Robertson in the Chair,

And after some time spent therein, the Committee rose, and by their Chairman reported the same back to the House with amendments.

Which were concurred in.

On motion of Mr. Wilson,

Ordered, That the 42nd rule be suspended, and the Bill read a third time now.

The question was then put,

"Shall the Bill pass,"

And was decided unanimously in the affirmative.

So the Bill passed, and the title was agreed to.

Ordered, That the Council be informed thereof.

On Motion of Mr. Hancock,

Ordered, That the House do now adjourn until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

Mr. Johnson gave notice, that he would on to-morrow or some future day, ask leave to introduce,

A bill to abolish the office of Territorial Agent, and for other purposes.

On motion of Mr. Stewart,

Ordered, That the House do now adjourn until to-morrow morning at 10 o'clock.

## TUESDAY MORNING, 10 O'CLOCK,

**May the 13, A. D. 1845.**

Mr. Downey presented the account of William Sheets, & Co. for the sum of \$22 00.

On motion of Mr. Downey,

Ordered, That the account be referred to the Committee on Claims.



Mr. Downey presented the petition of forty-three citizens of Iowa County, praying for the organization of said County.

On motion of Mr. Downey,

Ordered, That said petition be referred to the Committee on Township and County Boundaries.

He also presented two accounts of A. P. Woods,

The first—for printing in "Iowa Standard," for twelve weeks, the proposed Constitution for the State of Iowa—\$362 40.

And,

The second—for printing, folding, and stitching one hundred copies of the Catalogue of the Iowa Territorial Library—\$25 00.

On motion of Mr. Downey,

Ordered, That both of said accounts be referred to the Committee on Claims.

On motion of Mr. Sheledy,

"Resolved, That the Committee on Ways and Means be instructed to inquire into the expediency of levying a tax of one mill per cent, on the amount of taxable property, both real and personal, returned by the township and precinct Assessors, for territorial purposes; and, that they report by Bill or otherwise."

On motion of Mr. Clifton,

"Resolved, That the Committee on Ways and Means, be instructed, to inquire into the expediency of authorizing the Auditor of Public accounts to audit the claims of the members and officers of the late Convention; and, that they report by Bill or otherwise."

On motion of Mr. Stewart,

"Resolved, That the Committee on the Judiciary be instructed, to inquire into the expediency of passing a law, to prevent persons from leaving the Territory, in cases where their property is secreted; or, where other strong presumptive evidence exists, of an intention to defraud their creditors; and, that they report by bill or otherwise."

Mr. Davis gave notice, that he would, on to-morrow or some subsequent day, ask leave to introduce,

A bill to change the time of holding the General Elections.

Mr. Anderson, gave notice, that he would, on to-morrow or some day thereafter, ask leave to introduce,

A Bill to amend an act, entitled, "An act for the benefit of the Settlers of the Half Breed Tract of land," "Approved December 31st, 1840."



Also,

A Bill to punish the Captains and Clerks of steam boats, for taking wood without the consent of the owners, or leaving notice of the same.

Mr. Robertson, from the Committee on Claims, made the following report :

"The Committee on claims, to whom was referred the claim of Wilson and Keesecker, for printing and binding the Journal of the House of Representatives, for the Session of 1843-44—amounting to the sum of \$593 25.

Also,

The claim of James G. Edwards, for printing and binding the Journal of the Council for the same Session—amounting to the sum of \$499 12 1-2.

Also,

The claim of William Green, for binding laws of same Session—amounting to the sum of \$200 00.

Also,

The claim of William Whindram, for work done for the library—amounting to the sum of \$15 00;

And also,

The claim of Peter Conboy, for services in the library, during the Session of 1843-44—amounting to the sum of \$10 00,

Have had the same under their careful consideration, and have instructed me to report the following :

No. 11, H. R. File, "A Bill for the relief of S. J. Burr Secretary of Iowa Territory."

Which was read a first time.

Mr. Sheledy, from the select Committee to whom was referred, the petition of Hiram Nordyke and Lucinda Nordyke, praying for a dissolution of the bonds of Matrimony, reported the following :

No. 12, H. R. File, "A Bill to divorce Hiram Nordyke and Lucinda Nordyke from the bonds of Matrimony."

Which was read a first time.

Mr. Murdock having given previous notice, and upon leave being granted, introduced,

No. 13. H. R. File, "A Bill to amend an act, entitled, 'An act to encourage the destruction of Wolves,' 'Approved January 7th 1840.'"

Also,

No. 14, H. R. File, "A Bill to amend an act, entitled, 'An act



regulating practice in the District Courts in the Territory of Iowa,' 'Approved Feb. 10th, 1843.' "

Which were severally read a first time.

Mr. Munger, having given previous notice, and upon leave being granted, introduced,

No. 15, H. R. File, "A Bill amendatory of an act, entitled, 'An act to establish the time of holding the District Courts, in the several Judicial Districts in this Territory,' 'Approved Feb. 12th, 1844.' "

Which was read a first time.

Mr. Davis, having given previous notice, and upon leave being granted, introduced,

No. 16, H. R. File, "A bill to amend an act, entitled, 'An act, for the organization of Townships ;' "

Which was read a first time.

Mr. Chandler, having given previous notice, and upon leave being granted, introduced,

No. 17, H. R. File, "A Bill to amend an act, entitled, 'An act regulating Marriages,' 'Approved January 6th, 1840 ;' "

Which was read a first time.

Mr. Johnson, having given previous notice, and upon leave being granted, introduced,

No. 18, H. R. File, "A Bill to abolish the office of Territorial Agent, and for other purposes."

Which was read a first time.

No. 4, H. R. File, "A Bill to prohibit and punish the sale of liquors to the Indians."

Was read a second time,

On motion of Mr. Murdock,

Ordered, That the Bill be engrossed and read a third time to-morrow.

No. 5, H. R. File, "A Bill to lease the Iowa Penitentiary ;"

Was read a second time, and,

On on motion of Mr. Stewart,

Ordered, To be referred to a Committee of the Whole House, and made the order of the day for Thursday next.

No. 6, H. R. File, "A Bill to amend an act entitled, 'An act to provide for Assessing and Collecting Public Revenue,' 'Approved Feb. 15th, 1844.' "

Was read a second time, and,



On motion of Mr. McCleary,

Ordered, To be referred to a select Committee of three.

Messrs. McCleary, Noble, and Sheledy, were appointed said Committee.

No. 7, H. R. File, "A Bill to prevent the destruction of Notices, Advertisements, &c ;"

Was read a second time, and,

On motion of Mr. M'Cleary,

Ordered, To be engrossed and read a third time to-morrow.

No. 8, H. R. File, "A Bill to provide for an expression of the people, of the Territory of Iowa, on the subject of a formation of a State Government."

Was read a second time,

On motion of Mr. Wilson,

Ordered, That the Bill be laid on the table, subject to the order of the House.

No. 9, H. R. File, "A Bill, to amend an act, entitled, 'An act amendatory of, an act to provide for the election of Justice of the Peace, to prosecute their duties and powers, and regulate to their proceedings,' 'Approved Feb. 14th, 1844.'"

Was read a second time, and,

On motion of Mr. McCleary,

Ordered, To be referred to a Committee of the Whole House, and made the order of the day for to-morrow.

No. 10, H. R. File, "A Bill to repeal an act, entitled, 'An act for the improvement of sheep.'"

Was read a second time, and,

On motion of Mr. Snyder,

Ordered to be referred to the Committee on Agriculture.

The order of business having been gone through with,

On motion of Mr. Wilson,

No. 11, H. R. File, "A Bill for the relief of S. J. Burr Secretary of Iowa Territory,"

Was taken from the table.

On motion of Mr. Wilson,

Ordered, That the 42nd rule be suspended and the Bill read a second and third times now by its title.

The Bill was read a second and a third time by its title.

The question was then put,



"Shall the Bill pass?"

And decided in the affirmative.

So the Bill passed and the title was agreed to.

Ordered that the Council be informed thereof.

The following Message was received from the Council, by J. F. Kinney their Secretary.

MR. SPEAKER:

I am directed to inform the House of Representatives, that the Council have ordered two hundred and forty copies of the Territorial Treasurer's Report, to be printed.

And then he withdrew.

On motion of Mr. McCleary,  
The House adjourned until 2 o'clock P. M.

## 2 O'CLOCK, P. M.

On motion of Mr. Clifton,

Ordered, That Mr. Woodworth be added to the Committee on Township and County Boundaries.

On motion of Mr. Wilson,

Ordered, That this House do now adjourn, until to-morrow morning at 10 o'clock.

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## WEDNESDAY MORNING, 10 O'CLOCK.

**May the 14, A. D. 1845.**

Mr. Wilson presented the petition of thirty-one persons, praying for the location of a Territorial Road from Dubuque, by the way of the Colonies and Ead's Grove to Fort Atkinson.

On motion of Mr. Wilson.

Ordered that the petition be referred to the Committee on Roads and Highways.

Mr. Downey presented the petition of thirty-eight persons, praying for an unconditional repeal of the the law, restricting the jurisdiction of Justices of the Peace and Constables to their respective Townships and Precincts.



On motion of Mr. Downey,

Ordered, That the petition be referred to the Committee on the Judiciary,

A Message from the Council by J. F. Kinney their Secretary.

MR. SPEAKER,

I am directed to inform the House, that the Council haave appointed Messrs. Hemstead, Summers, and Brattan a Committee on the part of the Council, to confer with a similar Committee appointed on the part of the House, relative to the term of service, which the law requires of the present Legislative Assembly.

I am, also, directed to inform the House, that the Council have passed—

No. 14, C. File, "A Bill to change the name of the village of Salem, in the County of Muscatine."

Also,

No. 3, C. File, "A Bill to authorise the Board of Commissioners of the County of Dubuque, to levy a tax on all real and personal Estate now subject to taxation in said County."

Also,

No. 5, C. File, "A Bill to provide for holding an additional Term of the District Court, in and for the County of Lee."

In which the concurrence of the House is requested.

The Council have also passed without amendment,

No. 11, H. R. File, A Bill for the relief of S. J. Burr, Secretary of Iowa Territory."

And then he withdrew.

Mr. Munger from the Committee on Enrolments reported as correctly enroled,

"An act for the relief of S. J. Burr Secretary of Iowa Territory ;"

Which was signed by the Speaker of the House of Representatives.

Mr. Downey presented the account of Peter Conboy for removing rubbish and cleansing the basement story of the Capitol in March 1844, and for eight days work preparing the Capitol and Halls of the Legislature for the present Session—\$28.

Ordered, That said account be referred to the Committee on Ways and Means.

Mr. Downey gave notice, that he would, on to-morrow or some subsequent day, ask leave to introduce,

A Bill to change the Eastern boundary of the County of Washington.



Mr. Hancock gave notice, that he would, on some future day, ask leave to introduce,

A Bill repealing the 6th section of the Valuation Law, which exempts from execution fifty head of Sheep and the wool that may be shorn therefrom.

Mr. Murdock gave notice, that he would, on some future day, ask leave to introduce,

A Bill to authorise Duncan McGregor, to keep a ferry across the Mississippi River in the County of Clayton.

Mr. Robertson, from the Committee on Claims, to whom was referred the several accounts of William Crum and A. P. Wood for printing, made the following report:

"The Committee on Claims, to whom was referred the claim of William Crum for publishing the Constitution in the "Iowa Standard," 8 weeks—fifty-nine squares at \$1 per square for the 1st insertion, and 50 cents for each subsequent one—amounting to \$265 50 cents.

Also, the claim of A. P. Wood for publishing, in the "Iowa Standard" twelve weeks, the Constitution, embracing 1208 brevier lines, at two and a half cents a line for each insertion, amounting to \$362 40 cts., beg leave to report, that the Committee have had the same under consideration, and have instructed me to report adverse to the claims; and that they think the law authorising the publication of the Constitution in the different newspapers of the Territory, was virtually done away with, by the Convention authorizing their proceedings to be published in pamphlet form; besides, the Committee think, it would be furnishing a precedent for endless claims for similar work; and also that the Secretary of the Territory does not feel authorized to allow, or pay any accounts arising from the expenses of the Convention.

The Committee have also had under consideration, the claim of William Crum for printing, in the "Iowa Standard," the Governor's Proclamation to the electors of Iowa, to elect Delegates to the Convention—four squares—14 insertions—\$30; and have directed me to report the claim back to the House, and move its reference to the Committee of Ways and Means; thinking it would be paid out of the Territorial Treasury, and not out of the Legislative appropriation, as it does not properly arise from Legislative expenses.

The Committee have also had under consideration, the claim of A. P. Wood, for printing, folding, and stitching one hundred copies of the Catalogue of the Iowa Territorial Library, and would also recommend its reference to the Committee of Ways and Means."

Which was concurred in.



Mr. McCleary, from the special Committee to whom was referred,

No. 6, H. R. File, "A Bill to amend an act, entitled, 'An act to provide for Assessing and Collecting Public Revenue,' 'Approved Feb. 15th, 1844.'"

Reported the same back with amendments.

Mr. Taylor, from the Committee on engrossed bills, reported that the Committee have carefully examined—

No. 7, H. R. File, "A Bill to prevent the destruction of Notices, Advertisements, &c ;"

And find the same correctly engrossed.

Mr. Johnson, from the select Committee to whom was referred, the petition of the Mayor and Aldermen of the City of Burlington, praying for an alteration in their City Charter, reported,

No. 19, H. R. File, "A Bill to incorporate and establish the City of Burlington ; and for revising and repealing all laws, and parts of laws heretofore enforced on that subject ;"

Which was read a first time.

Mr. Snyder, having given previous notice, and upon leave being granted, introduced,

No. 20, H. R. File, "A Bill to amend 'An act to establish a system of Common Schools,' 'Approved January 16th, 1844 ;'"

Which was read a first time.

On motion of Mr. McCleary,

Ordered, That the 42nd rule be suspended, and the Bill read a second time now.

The Bill was then read a second time.

On motion of Mr. Snyder,

Ordered, That the Bill be referred to the Committee on Common Schools.

Mr. Anderson, having given previous notice, and upon leave being granted, introduced,

No. 21, H. R. File, "A Bill to amend an act, entitled, 'An act for the benefit of the Settlers on the Half Breed Tract of land,' 'Approved December 31st, 1840 ;'"

Which was read a first time.

Mr. Murdock, having given previous notice, and upon leave being granted, introduced,

No. 22, H. R. File, "A Bill to legalize the acts of Charles E. Bensil, former Recorder of Deeds in the County of Clayton ;"

Which was read a first time.



Mr. Munger, having given previous notice, and upon leave being granted, introduced,

No. 23, H. R. File, "A Bill to amend an act, entitled, 'An act allowing, and regulating writs of Attachment,' 'Approved 16th Feb. 1843;'"

Which was read a first time.

The Message from the Council was then taken up;

No. 5, C. File, "A Bill to provide for holding an additional Term of the District Court, in and for the County of Lee."

No. 3, C. File, "A Bill to authorise the Board of Commissioners of the County of Dubuque, to levy a tax on all real and personal Estate now subject to taxation in said County;"

And,

No. 14, C. File, "A Bill to change the name of the village of Salem, in the County of Muscatine;"

Were severally read a first time.

No. 12, H. R. File, "A Bill to divorce Hiram Nordyke and Lucinda Nordyke from the bonds of Matrimony;"

Was read a second time,

On motion of Mr. Wilson,

Ordered, That it be referred to a Committee of the Whole House, and made the order of this day at 2 o'clock P. M.

No. 13, H. R. File, "A Bill to amend an act, entitled, 'An act to encourage the destruction of Wolves,' 'Approved January 7th 1840;'"

Was read a second time, and,

On motion of Mr. Sheledy,

Ordered, To be referred to a Committee of the Whole House, and made the order of the day for to-morrow.

No. 14, H. R. File, "A Bill to amend an act, entitled, 'An act regulating practice in the District Courts in the Territory of Iowa,' 'Approved Feb. 10th, 1843.'"

Was read a second time, and,

Ordered, That the Bill be engrossed and read a third time to-morrow.

No. 15, H. R. File, "A Bill to amend an act, entitled, 'An act to establish the time of holding the District Courts, in the several Judicial Districts in this Territory,' 'Approved Feb. 12th, 1844;'"

Was read a second time;

On motion of Mr. Munger,



Ordered, That the 42nd rule be suspended, and the Bill read a third time now.

So the Bill was read a third time, passed, and title agreed to.

Ordered, That the Council be informed thereof.

No. 16, H. R. File, "A bill to amend an act, entitled, 'An act, for the organization of Townships ;'"

Was read a second time, and,

Ordered, To be engrossed and read a third time to-morrow.

No. 17, H. R. File, "A Bill to amend an act, entitled, 'An act regulating Marriages,' 'Approved January 6th, 1840 ;'"

Was read a second time, and,

On motion of Mr. Chandler,

Ordered, To be referred to a Committee of the Whole House, and made the order of the day for to-morrow.

No. 18, H. R. File, "A Bill to abolish the office of Territorial Agent, and for other purposes;"

Was read a second time, and,

On motion of Mr. Robertson,

Referred to a Committee of the Whole House and be made the order for the present time.

The House then Resolved itself into a Committee of the Whole House; Mr. McCleary in the Chair;

And after some time spent therein,

The Speaker resumed the Chair, and Mr. McCleary reported the Bill back without amendment;

Which were concurred in.

On motion of Mr. M'Cleary,

Ordered, That the Bill be engrossed and read a third time to-morrow.

No. 4, H. R. File, "A Bill to prohibit and punish the sale of liquors to the Indians;"

Was taken up, and,

Ordered, To be referred to a Committee of the Whole House, and made the order of the day for Friday next.

No. 7, H. R. File, "A Bill to prevent the destruction of Notices, Advertisements, &c."

Was taken up, and referred to a Committee of three.

Messrs. Downey, Robertson, and Munger, were appointed said Committee.

No. 9, H. R. File, "A Bill to amend an act, entitled, 'An act a-



mendatory of, an act to provide for the election of Justices of the Peace, to prescribe their duties and powers, and to regulate their proceedings,' 'Approved Feb. 14th, 1844;' "

Being the order of the day ;

Was referred to a Committee of the Whole House for the consideration of the same ; Mr. Sheledy, in the Chair ;

And after some time spent therein,

The Speaker resumed the Chair, and Mr. Sheledy reported, that the Committee had according to order had said Bill under consideration, and directed him to report the same back to the House without amendment.

Mr. Wilson, made a motion,

To strike out the enacting clause ; and after some time spent in debate,

Mr. Wilson withdrew his motion ; and, on his motion, Ordered, That the Bill be referred to a select Committee of five, Messrs. Wilson, Munger, Sheledy, Downey, and Davis, were appointed said Committee,

On motion of Mr. Downey,

Ordered, That the House do now adjourn until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

No. 12, H. R. File, "A Bill to divorce Hiram Nordyke and Lucinda Nordyke, from the bonds of Matrimony,"

Being the order of the day,

Was referred to a Committee of the Whole House for the consideration of the same ; Mr. McCleary in the Chair ;

And after some time spent therein,

The Speaker resumed the Chair, and Mr. McCleary reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same to the House without amendment.

A motion was made by Mr. McCleary,

To refer the Bill to the Committee on the Judiciary ;

Which was decided in the negative.

A motion was made by Mr. Wilson,

To strike out the enacting clause of the Bill ;

Which was decided in the affirmative.

The following Message was received from the Council, by J. F. Kinney their Secretary,



MR. SPEAKER,

I am directed to inform the House, that the Council have appointed Messrs. Shelby and Ross a joint Committee on Enrolments, to act with a similar Committee to be appointed on the part of the House.

I am also directed to inform the House, that the Council have passed, without amendment,

No. 2, H. R. File, "A bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for winding up the affairs of the same."

And then he withdrew.

The report of Mr. Robertson, from the Committee on Claims, was then taken up and concurred in.

The report of Mr. McCleary, from the select Committee to whom was referred,

No. 6, H. R. File, "A Bill to amend an act, entitled, 'An act to provide for Assessing and Collecting Public Revenue,' 'Approved Feb. 15th, 1844 ;

Was then taken up,

The first amendment proposed, consisted of an 8th additional section to the Bill ;

Which was agreed to.

The second amendment consisted of an additional 9th section in the words following :

SEC. 9. In addition to the property now exempt by law, the following property shall, also, be exempt from taxation, viz : All steam engines and machinery, with the apparatus attached thereto, belonging, or appertaining to any Steam, Saw, or Grist Mill ; or any Cotton, or Woolen Manufactory,

The question was then put,

"Shall the House agree to this amendment ?"

And decided in the negative.

Yeas 7, Nays 19.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Downey, Huner, Leonard, McCleary, Noble, Robertson, and Stewart.

Those who voted in the negative, are

Messrs. Anderson, Banks, Chandler, Clifton, Coy, Davis, Hancock, Harper, Johnson, Lester, Montague, Munger, Murdock, Sheledy, Snyder, Taylor, Wilson, Woodworth, and Morgan, Speaker.



Ordered, That the Bill be engrossed and read a third time tomorrow.

Mr. Munger from the Committee on Enrolments reported as correctly enroled,

"An act to repeal the Charter of the Miners' Bank of Dubuque, and to provide for winding up the affairs of the same."

Which was signed by the Speaker of the House of Representatives.

Mr. Dewey, from the select Committee to whom was referred, No. 7, H. R. File, "A Bill to prevent the destruction of Notices, Advertisements, &c,"

Reported the same back with one amendment,

Which was agreed to.

The Bill was then read a third time, passed, and the title agreed to.

Ordered that the Council be informed thereof.

The following report of Mr. Wilson was taken up:

"The select Committee to whom was referred, the petition of thirty-seven citizens of Delaware county, praying for the Legislature to pass a law empowering the Board of County Commissioners of that county, to raise one eighth of their revenue in cash, for the year 1845, have had the same under consideration, and think it is inexpedient to grant the prayers of the petitioners, owing to the present law in force, which requires the county to receive her county paper for all debts due said county, but to arrive at the same end which the petitioners pray for, the Committee begs leave to report the following Bill:

No. 24, H. R. File, "A Bill to empower the County Commissioners of Delaware county, to levy a tax not exceeding one per cent for the period of two years;"

Which was read a first time.

The following Message was then received from the Council by J. F. Kinney their Secretary.

MR. SPEAKER:

I am directed to inform the House, that the Council have passed—

No. 13, C. File, "A Bill to amend an act, entitled, 'An act to incorporate the subscribers, for erecting a dam across the Muscatine Slough, 'Approved 5th February, 1844 ;' "

In which the concurrence of the House is requested.

And then he withdrew.

The said Bill was then taken up and read a first time.



On motion,

Ordered, That the House do now adjourn until to-morrow morning at 10 o'clock.

THURSDAY MORNING, 10 O'CLOCK,

May the 15, A. D. 1845.

The SPEAKER announced Messrs. Munger and Wilson, as a joint Committee on Enrolments, to act with a similar Committee on the part of the Council.

Mr. Banks presented the petition of Benjamin Covell, and ten other citizens of Muscatine county, in relation to ferries &c.

And the remonstrance of C. Sells, and eighty-six others, against said petition.

On motion of Mr. Johnson,

Ordered, That the reading of the petition and remonstrance be dispensed with.

On motion of Mr. Banks,

Ordered, That the petition and remonstrance, be referred to the Committee on Roads and Highways.

Mr. Munger presented the petition of ninety-three citizens, of Iowa, praying for an alteration in the county line, between the counties of Jefferson and Henry, so as to make Skunk River, the line through Townships 72 and 73;

And the petition of thirty-eight others, to the same purport.

On motion of Mr. Munger,

Ordered, That the reading of the petition be dispensed with.

On motion of Mr. Munger,

Ordered, That said petitions be referred to the Committee on Township and County Boundaries.

On motion of Mr. Montague,

"Resolved, That the Committee on Territorial Affairs be instructed, to inquire into the propriety, of Memorializing Congress for a



grant of land, for the purpose of improving the navigation of the Des Moines River."

Mr. Munger, from the Committee on Enrolments reported that he had that morning presented to the Governor for his signature,

"An act to repeal the Miners' Bank of Dubuque, and to provide for winding up the affairs of the same."

Mr. Sheledy gave notice, that he would, on to-morrow or some future day, ask leave to introduce,

A Bill to provide for holding an additional term of the District Court, in the Counties of Keokuk and Mahaska.

Mr. McCleary gave notice, that he would, on to-morrow or some future day, ask leave to introduce,

A Bill to amend an act, entitled, "An act to vacate a part of the Town plot of Port Allen, and to legalize the relocation of a part of a Territorial road," "Approved 13th February, 1843."

Mr. Davis gave notice, that he would, on to-morrow or some future day, ask leave to introduce,

A Bill to authorize the proprietors, of mill and other dams across Skunk River, to erect slides or sluices in place of locks as now required by law, for the safe and convenient passage of flat boats down said river.

Mr. Banks gave notice, that he would, on to-morrow or some future day, ask leave to introduce,

A Bill to amend an act, "Approved January 21st, 1839," so that Sheriffs and Constables, in attendance on the District Courts, can receive pay but once for such services;

And,

A Bill repealing all laws for the collection of debts, for less sums than twenty-five dollars, such bill to be altogether prospective in its provisions.

Mr. Davis, from the Committee selected to confer, with a similar Committee on the part of the Council, upon the subject of the length of the term of service, which the law requires of the Members of this House; made the following report:

"The Committee selected to confer with a similar Committee on the part of the Council, upon the subject of the length of the term of service which the law requires of the members of this House, have instructed me to make the following report:

"That after bestowing that careful consideration which the importance of the subject seems to demand, they have come to the conclusion, that the clause in the sixth section of the Organic Law of this Territory, (which is the supreme law of the Territory,) which reads as follows:



“The House of Representatives, shall consist of twenty-six members, possessing the qualifications of members of the Council, and whose TERM of service SHALL continue for ONE YEAR’ secures to the Members of this House their seats, as Members of the Legislative Assembly of Iowa Territory, for the term of one year; and that the law passed at the ‘extraordinary session’ in June last, changed the time of holding the election of Members of the Territorial Legislature, from the 1st Monday in August last, to the 1st Monday in April last, and consequently the Committee believe, that the term of service of the Members of this House, will expire on the seventh day of April, 1846;”

Which was without a dissenting vote concurred in.

Ordered, That the Council be informed thereof.

Mr. Taylor, from the Committee on engrossed bills, reported that the Committee have carefully examined—

No. 14, H. R. File, “A Bill to amend an act, entitled, ‘An act regulating practice in the District Courts in the Territory of Iowa,’ ‘Approved Feb. 10th, 1843;’”

Also,

No. 6, H. R. File, “A Bill to amend an act, entitled, ‘An act to provide for Assessing and Collecting Public Revenue,’ ‘Approved Feb. 15th, 1844;’”

And find them correctly engrossed.

Mr. Wilson, from the select Committee to whom was referred,

No. 9, H. R. File, “A Bill to amend an act, entitled, ‘An act amendatory of, an act to provide for the election of Justices of the Peace, to prescribe their duties and powers, and to regulate their proceedings,’ ‘Approved Feb. 14th, 1844;’”

Reported the same back with the following amendment, viz :

Strike out all after the enacting clause, and insert the following as a substitute :

SEC. 1. “That in all cases, to be tried before Justices of the Peace, the Plaintiff, when he commences his suit, shall set forth in writing and file with the Justice, before the suit is placed upon the docket, or process is issued thereon, a plain statement of his demand or cause of action.

SEC. 2. “That suit may be commenced, on all contracts, bonds, notes, or due bills, for a less sum than fifty dollars, before any Justice of the Peace, of the Township or Precinct wherein the same is made payable; *Provided*, that the place of payment, of such contract or instrument, be particularly specified in the same.

SEC. 3. “That so much of an act, concerning Justices of the Peace, ‘approved Feb. 14th, 1844,’ as comes in conflict with the foregoing sections, be and the same is hereby repealed.



SEC. 4. "This act shall take effect and be in force from and after the first day of July next."

On motion of Mr. Robertson,

Ordered, That the report be laid on the table.

Mr. Downey, having given previous notice, and upon leave being granted, introduced,

No. 25, H. R. File, "A Bill to change the Eastern boundary of the County of Washington;"

Which was read a first time.

No. 19, H. R. File, "A Bill to incorporate and establish the City of Burlington; and for revising and repealing all laws, and parts of laws heretofore enacted on that subject;"

Was read a second time, and,

Ordered, That the Bill be engrossed and read a third time to-morrow.

No. 21, H. R. File, "A Bill to amend an act, to provide for the relief of the Settlers on the Half Breed Tract of land," 'Approved December 31st, 1840;'

Was read a second time, and,

On motion of Mr. Johnson,

Ordered to be referred to the Committee on the Judiciary.

No. 22, H. R. File, "A Bill to legalize the acts of Charles E. Bensil, former Recorder of Deeds in the County of Clayton;"

Was read a second time; and,

On motion of Mr. Murdock,

Ordered, To be engrossed and read a third time to-morrow.

Mr. Hancock, having given previous notice, and upon leave being granted, introduced,

No. 26, H. R. File, "A Bill to repeal the 6th section of an act, commonly called the Valuation Law, chapter 155 of the revised Statutes of Iowa;"

Which was read a first time.

No. 23, H. R. File, "A Bill to amend an act, entitled, 'An act allowing, and regulating writs of Attachment,' 'Approved 16th Feb. 1843;'

Was read a second time, and,

Ordered, To be engrossed and read a third time to-morrow.

No. 3, C. File, "A Bill to authorise the Board of Commissioners of the County of Dubuque, to levy a tax on all real and personal Estate now subject to taxation in said County;"



No. 5, C. File, "A Bill to provide for holding an additional Term of the District Court, in and for the County of Lee;"

And,

No. 14, C. File, "A Bill to change the name of the village of Salem, in the County of Muscatine;"

Were severally read a second time; and,

Ordered, To be read a third time to-morrow.

No. 24, H. R. File, "A Bill to empower the County Commissioners of Delaware County, to levy a tax not exceeding one per cent for the period of two years;"

Was read a second time, and,

Ordered, That the Bill be engrossed and read a third time to-morrow.

No. 13, C. File, "A Bill to amend an act, entitled, 'An act to incorporate the subscribers, for erecting a dam across the Muscatine Slough, 'Approved 5th February, 1844 ;' "

Was read a second time,

On motion of Mr. McCleary,

Ordered, That the 42nd rule be suspended, and the Bill read a third time now.

The Bill was read a third time, passed, and title agreed to.

Ordered, That the Council be informed thereof.

No. 14, H. R. File, "A Bill to amend an act, entitled, 'An act regulating practice in the District Courts in the Territory of Iowa,' 'Approved Feb. 10th, 1843 ;' "

Was read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 16, H. R. File, "A bill to amend an act, entitled, 'An act, for the organization of Townships ;' "

Was read a third time, and,

Ordered, To be laid on the table.

On motion of Mr. Chandler,

Ordered, That the House do now adjourn until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

On motion of Mr. Sheledy,

No. 16, H. R. File, "A Bill to amend an act, entitled, 'An act for the organization of Townships ;' "

Was taken from the table.



On motion of Mr. Sheledy,  
The vote taken upon the engrossment of the Bill yesterday, was reconsidered.

On motion of Mr. McCleary,  
Ordered, That the Bill be referred to a Committee of the Whole House, and made the order of the day for to-morrow.

No. 18, H. R. File, "A Bill to abolish the office of Territorial Agent, and for other purposes;"

Was read a third time; and,  
Ordered, To be laid on the table.

No. 6, H. R. File, "A Bill to amend an act, entitled, 'An act to provide for Assessing and Collecting Public Revenue,' 'Approved Feb. 15th, 1844;'"

Was read a third time; and,  
The question was then put,  
"Shall the Bill pass?"

And decided in the affirmative.

Yeas 18, Nays 6.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Banks, Clifton, Coy, Downey, Huner, Johnson, Leonard, McCleary, Munger, Robertson, Sheledy, Snyder, Stewart, Taylor, Wilson, Woodworth, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Chandler, Davis, Hancock, Lester, Montague, and Noble.

So the Bill passed and the title was agreed to.

Ordered, That the Council be informed thereof.

No. 13, H. R. File, "A Bill to amend an act, entitled, 'An act to encourage the destruction of Wolves,' 'Approved January 7th 1840;'"

Being the order of the day,

Was referred to a Committee of the Whole House for the consideration of the same; Mr. McCleary in the Chair;

And after some time spent therein,

The Speaker resumed the Chair, and Mr. McCleary reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same to the House with an amendment;

Which was agreed to.

Ordered, That the Bill be engrossed and read a third time to-morrow.



No. 17, H. R. File, "A Bill to amend an act, entitled, 'An act regulating Marriages,' 'Approved January 6th, 1840;'"

Being the order of the day ;

Was referred to a Committee of the Whole House for the consideration of the same ; Mr. Sheledy, in the Chair ;

And after some time spent therein,

The Speaker resumed the Chair, and Mr. Sheledy reported, that the Committee had according to order had said Bill under consideration, and directed him to report the same back to the House with two amendments ;

Which were severally agreed to.

Mr. Stewart made a motion,

To strike out the words, "one dollar and fifty cents," where it occurs in the ninth section.

Mr. Davis moved to amend the motion by inserting the words, "any sum the parties may be willing to pay ;"

Which was accepted by Mr. Stewart.

The question was then put, on the motion as amended, and decided in the negative.

Mr. Murdock made a motion,

To amend the 11th Section, by striking out the word, "presumptive," and inserting the word "conclusive ;"

Which was decided in the affirmative.

Mr. Sheledy made a motion,

To indefinitely postpone the Bill ;

Which was decided in the negative.

Yeas 9, Nays 16.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Clifton, Coy, Downey, Munger, Noble, Sheledy, Snyder, Stewart and Wilson.

Those who voted in the negative, are

Messrs. Anderson, Banks, Chandler, Davis, Hancock, Huner, Johnson, Leonard, Lester, McCleary, Montague, Murdock, Robertson, Taylor, Woodworth, and Morgan Speaker.

Mr. Wilson made a motion,

To lay the Bill on the table ;

Which was decided in the negative.

Yeas 9, Nays 16.

The yeas and nays being demanded by two members,



Those who voted in the affirmative, are  
Messrs. Clifton, Downey, Huner, Munger, Noble, Sheledy, Snyder, Stewart, and Wilson.

Those who voted in the negative, are  
Messrs. Anderson, Banks, Chandler, Coy, Davis, Hancock, Johnson, Leonard, Lester, McCleary, Montague, Murdock, Robertson, Taylor, Woodworth, and Morgan, Speaker.

Mr. Wilson, made a motion to adjourn;  
Which was decided in the negative.

Yeas 8, Nays 17.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Clifton, Downey, Huner, Munger, Noble, Stewart, and Wilson.

Those who voted in the negative, are

Messrs. Banks, Chandler, Coy, Davis, Hancock, Johnson, Leonard, Lester, McCleary, Montague, Murdock, Robertson, Sheledy, Snyder, Taylor, Woodworth, and Morgan, Speaker.

On motion of Mr. Murdock,

Ordered, That the Bill be engrossed and read a third time to-morrow.

Mr. Johnson made a motion to adjourn,

On motion of Mr. Wilson,

A call of the House was ordered,

All the members were present but Mr. Harper.

On motion of Mr. Sheledy,

Ordered, That Mr. Harper be excused, and that the further call of the House be dispensed with.

The question was then put, on Mr. Johnson's motion,

And decided in the negative.

Yeas 11, Nays 14.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Banks, Chandler, Clifton, Coy, Johnson, Leonard, McCleary, Robertson, Snyder, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Davis, Downey, Hancock, Huner, Lester, Montague, Munger, Murdock, Noble, Sheledy, Stewart, Taylor, Wilson, and Woodworth.

Mr. Sheledy, from the Committee on Common Schools, to whom was referred,



No, 20, H. R. File, "A Bill to amend 'An act to establish a system of Common Schools,' 'Approved January 16th, 1844;'"

Reported the same back, and recommended its indefinite postponement.

Mr. Davis made a motion, ✓

That this House do now adjourn,

Which was decided in the negative.

On motion of Mr. Sheledy,

Ordered, That the report be laid on the table.

Mr. McCleary, from the Committee on Ways and Means, to whom was referred, the account of Peter Conboy, for cleansing the basement of the Capitol, and preparing the Halls for the present Legislature, reported the following resolution:

"Resolved, That the Secretary of the Territory, be authorized and required to pay Peter Conboy, the sum of twenty dollars, for services rendered in cleansing the basement story of the State House, and preparing the Halls for the reception of the Legislature;

Which was adopted.

Mr. Stewart made a motion,

That the House do now adjourn.

Which was decided in the affirmative.

Yeas 18, Nays 6.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Banks, Clifton, Coy, Downey, Huner, Johnson, Leonard, Mc'Cleary, Munger, Robertson, Sheledy, Snyder, Stewart, Taylor, Wilson, Woodworth, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Chandler, Davis, Hancock, Lester, Montague, and Noble.

So the House adjourned until to-morrow morning at 10 o'clock.



FRIDAY MORNING, 10 O'CLOCK,

**May the 16, A. D. 1845.**

On motion of Mr. Sheledy,

The vote taken on yesterday, ordering,

No. 19, H. R. File, "A bill to incorporate and establish the City of Burlington, and for revising and repealing all laws, and parts of laws heretofore enacted on that subject;"

To be engrossed and read a third time to-day, was reconsidered.

Mr. Sheledy, on leave being granted introduced,

No. 29, H. R. File, "A Joint Resolution, &c."

"Resolved by the House of Representatives, the Council concurring, that our Delegate in Congress be requested to use his best endeavours, to procure, by an action of Congress, a division of the Territory of Iowa, by an east and west line, commencing at the middle of the main channel of the Mississippi River, at latitude forty-two degrees and thirty minutes, and running thence due west to the Missouri River;"

Which was read a first time.

On motion of Mr. Johnson,

"Resolved, That the Committee on the Judiciary, are hereby instructed, to inquire into the expediency of postponing the annual election, of members of the House of Representatives, from August until April."

Mr. McCleary from the Committee on Ways and Means, to whom was referred the account of A. P. Woods, for printing, folding and stitching one hundred copies of the Catalogue of the Iowa Territorial Library, submitted the following report:

"That said Catalogue was printed without any authority of the Legislative Assembly or Librarian; but, as they are informed, by order of the Supreme Court of the Territory. The Committee are, therefore, of opinion that the account for printing said Catalogue, should be paid by the Marshal of the Territory.

"Your Committee would, therefore, asked to be discharged from the further consideration thereof."

Which was concurred in.

Mr. McCleary, from the Committee to whom was referred a resolution of the House instructing said Committee, to inquire into the ex-



pediency of authorising the Auditor to audit the claims of members and officers of the late Convention and report by bill or otherwise, reported,

No. 28, H. R. File, "A Joint Resolution for auditing the expenses of the Convention, for forming a Constitution, held in 1844 ;"

Which was read a first time.

The following Message was then received from the Council by J. F. Kinney their Secretary.

MR. SPEAKER :

I am directed to inform the House, that the Council have passed—

No. 2, C. File, "A Bill to amend an act, entitled, 'An act to provide for the partition of Real property.'"

Also,

No. 16, C. File, "A Bill to establish a Territorial Road from Marion in Linn county, to the Indian Boundary in a direct line to Fort Atkinson ;"

In which the concurrence of the House is requested.

The Council have also passed,

No. 15, H. R. File, "A Bill to amend an act, entitled, 'An act to establish the time of holding the District Courts, in the several Judicial Districts in this Territory,' 'Approved Feb. 12th, 1844 ;' "

With an amendment to its title.

And then he withdrew.

Mr. Taylor, from the Committee on engrossed bills, reported that they had examined—

No. 13, H. R. File, "A Bill to amend an act, entitled, 'An act to encourage the destruction of Wolves,' 'Approved January 7th 1840 ;' "

No. 22, H. R. File, "A Bill to legalize the acts of Charles E. Bensil, former Recorder of Deeds in the County of Clayton ;"

No. 17, H. R. File, "A Bill to amend an act, entitled, 'An act regulating Marriages,' 'Approved January 6th, 1840 ;' "

No. 23, H. R. File, "A Bill to amend an act, entitled, 'An act allowing, and regulating writs of Attachment,' 'Approved 16th Feb. 1843 ;' "

And,

No. 24, H. R. File, "A Bill to empower the County Commissioners of Delaware County, to levy a tax not exceeding one per cent for the period of two years ;"



And find them correctly engrossed.

Mr. Montague, from the Committee on Agriculture, to whom was referred,

No. 10, H. R. File, "A Bill to amend an act, entitled, 'An act for the improvement of sheep.'"

Reported the the following amendments,

Strike out all after the enacting clause, and insert the following:

"That if any ram, shall be found running at large, between the last day of June and the 1st day of October, it shall be lawful for any person, to take up said ram, and if the owner of said ram is known to the person taken up the same, he shall be immediately notified of such taking up, for which the owner shall pay the person taken up the same a reasonable compensation.

SEC. 2. That if the owner of such ram, is not known to the person taken up the same, he shall proceed as is provided in the law regulating the taking up estrays, and shall be allowed the sum of fifty cents for taking up the same, and a reasonable compensation for keeping.

SEC. 3. That an act, entitled, "An act to improve the breed of Sheep," "Approved Feb. 8th, 1844," be and the same is hereby repealed.

Mr. Wilson made a motion,

To amend the first section of the amendment, by striking out the words, "a reasonable compensation,"

Which was agreed to.

Mr. Snyder moved, to fill up the blank, by inserting the words, "twenty-five cents."

Mr. Taylor moved to amend the motion, by inserting "fifty cents ;"

Which was disagreed to.

The question then recurred on the motion of Mr. Snyder ;

Which was agreed to.

Mr. Sheledy moved to amend the report, by inserting the following as a third section :

"That if any boar over the age of three months, shall be found running at large, it shall be lawful for any person to alter the same."

Mr. Snyder made a motion,

To amend said section, by inserting after the word, "any," and before the word, "boar" the word "unmarked ;"

Which was decided in the negative.

The question then recurred on the motion of Mr. Sheledy,

Which was decided in the negative.



The question, was then put,

"Will the House concur in the report?"

And decided in the affirmative.

Yeas 21, Nays 4.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Banks, Chandler, Clifton, Davis, Hancock, Harper, Huner, Johnson, Leonard, McCleary, Munger, Murdock, Noble, Robertson, Snyder, Stewart, Taylor, Wilson, Woodworth, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Coy, Lester, Montague, and Sheledy.

Mr. Robertson made a motion.

To engross the Bill, and that it be read a third time on Monday next.

Mr. McCleary made a motion,

To indefinitely postpone the Bill;

Which was decided in the negative.

The question then recurred on Mr. Robertson's motion;

Which was decided in the affirmative.

So the Bill was

Ordered, To be engrossed, and read a third time on Monday next.

Mr. McCleary, having given previous notice, and upon leave being granted, introduced,

No. 27, H. R. File, "A Bill to amend an act, entitled, 'An act to vacate a part of the Town plot of Port Allen, and to legalize the location of a part of a Territorial road,' 'Approved 13th February, 1843;'"

Which was read a first time.

On motion of Mr. M'Cleary,

Ordered, That the 42nd rule be suspended, and the Bill be read a second and third time now.

The Bill was read a second and third times, passed, and title agreed to.

Ordered, That the Council be informed thereof.

The following Message was received from the Council, by J. F. Kinney their Secretary.

MR. SPEAKER,

I am directed to inform the House, that the Council have passed—

No. 4, C. File, "A Bill to establish a Territorial Road from Bloomington to Davenport."



No. 11, C. File, A Bill to make valid in law the acts of Joseph A. Reynolds a Justice of the Peace in and for the County of Buchanan."

No. 15, C. File, "A Bill to abolish the Office of Territorial Agent."

Also,

No. 17, C. File, "A Bill to change the name of the Town of Louisville, in the county of Wapello."

In which the concurrence of the House is requested,

And then he withdrew.

The above Bills were severally read a first time.

On motion of Mr. Johnson,  
Ordered, That the 42nd rule be suspended, and

No. 15, C. File, "A Bill to abolish the Office of Territorial Agent,"

Be read a second time now.

The Bill was read a second time.

On motion of Mr. Johnson,  
The House Resolved itself into a Committee of the Whole House, for the consideration of the same; Mr. Sheledy in the Chair;

And after some time spent therein,

The Speaker resumed the Chair, and Mr. Sheledy reported the same back to the House with several amendments,

Which were agreed to.

On motion of Mr. Johnson,  
Ordered, That the 42nd rule be suspended, and the Bill read a third time now.

The Bill was read a third time, passed, and title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Johnson,  
Ordered, That the 42nd rule be suspended, and  
No. 17, C. File, "A Bill to change the name of the town of Louisville in the county of Wapello ;"

Be read a second and third time now, by its title.

The Bill was so read, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 25, H. R. File, "A Bill to change the Eastern boundary of the County of Washington ;"

Was read a second time ; and,

On motion of Mr. Davis,

Ordered, To be engrossed and read a third time on Monday next.



No. 26, H. R. File, "A Bill to repeal the 6th section of an act, commonly called the Valuation Law, chapter 155 of the revised Statutes of Iowa,"

Was read a second time, and,

On motion of Mr. Sheledy,

Referred to a Committee of the Whole House and be made the order of the day for to-morrow.

No. 19, H. R. File, "A Bill to incorporate and establish the City of Burlington; and for revising and repealing all laws, and parts of laws heretofore enacted on that subject,"

Was read a second time.

On motion of Mr. Johnson,

Ordered, That it be referred to a Committee of the Whole House, and made the order of the day for Monday next.

No. 22, H. R. File, "A Bill to legalize the acts of Charles E. Bensil, former Recorder of deeds in the County of Clayton,"

Was read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 23, H. R. File, "A Bill to amend an act, entitled, 'An act allowing and regulating writs of Attachments, 'Approved, 16th Feb. 1843;'"

No. 3, C. File, "A Bill to authorise the Board of Commissioners of the County of Dubuque, to levy a tax on all real and personal Estate now subject to taxation in said County;"

No. 5, C. File, "A Bill to provide for holding an additional Term of the District Court, in and for the County of Lee;"

No. 14, C. File, "A Bill to change the name of the villiage of Salem, in the County of Muscatine;" and,

No. 13, H. R. File, "A Bill to amend an act, entitled, 'An act to encourage the destruction of Wolves;'"

Were severally read a third time, passed, and their titles agreed to.

Ordered, That the Council be informed thereof.

Mr. Murdock made a motion to adjourn;

Which was decided in the negative.

No. 17, H. R. File. "A Bill to amend an act, entitled, 'An act regulating marriages;'"

Was read a third time.

Mr. Davis made a motion,

That the House do now adjourn.

Which was decided in the negative.

Mr. Wilson moved a call of the House, which was ordered and had.



Messrs. Downey and Banks were absent.

On motion of Mr. McCleary,  
Ordered, That Mr. Banks be excused.

Mr. Downey appeared and took his seat.

Mr. Munger made a motion,  
That this House do now adjourn,  
Which was decided in the negative.

The question was then put,  
"Shall the Bill pass?"

Which was decided in the affirmative.

Yeas 15, Nays 10.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are  
Messrs. Anderson, Chandler, Coy, Davis, Hancock, Johnson,  
Leonard, Lester, McCleary, Montague, Murdock, Robertson, Tay-  
lor, Woodworth, and Morgan, Speaker.

Those who voted in the negative, are  
Messrs. Clifton, Downey, Harper, Huner, Munger, Noble, Shele-  
dy, Snyder, Stewart, and Wilson.

On motion of Mr. Murdock,  
Ordered, That the House do now adjourn until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

No. 24, H. R. File, "A Bill to empower the County Commission-  
ers of Delaware County, to levy a tax of one per cent, for the period  
of two years;"

Was read a third time, passed, and title agreed to.

Ordered, That the Council be informed thereof.

No. 4, H. R. File, "A Bill to prohibit and punish the sale of  
liquors to the Indians;"

Being the order of the day;

Was considered in Committee of the Whole House; Mr. Johnson  
in the Chair;

And after some time spent therein,

The Speaker resumed the Chair, and Mr. Chairman reported, the  
same back to the House without amendment and asked leave to sit  
again;

Which was granted.

No. 5, H. R. File, "A Bill to lease the Iowa Penitentiary;"

Being the order of the day,

Was considered in Committee of the Whole House; Mr. Mc-  
Cleary in the Chair;



And after some time spent therein,

The Speaker resumed the Chair, and Mr. McCleary reported the Bill back to the House with several amendments ;

Which were severally read and agreed to.

Mr. Johnson made a motion,

To amend the 21st Section, by striking out the words, "every month," and inserting the words, "January, April, July, and October."

Which was agreed to.

On motion of Mr. Davis,

Ordered, That the Bill be recommitted to a select Committee of three.

Messrs. Davis, Stewart, and Sheledy, were appointed said Committee.

Mr. Murdock made a motion,

That this House do now adjourn until 10 o'clock on Monday morning next.

Which was decided in the affirmative.

Yeas 14, Nays 9.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Chandler, Coy, Davis, Downey, Harper, Johnson, Leonard, Munger, Murdock, Noble, Stewart, Wilson, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Hancock, Lester, McCleary, Montague, Robertson, Sheldy, Snyder, Taylor, and Woodworth.

So the House adjourned until 10 o'clock on Monday morning next.

## MONDAY MORNING, 10 O'CLOCK,

**May the 19, A. D. 1845.**

Mr. Banks presented the petition of George W. Humphries and one hundred and thirty-five other citizens of Muscatine county, praying the Legislature to change the name of Bloomington in said county, to that of Muscatine.

Mr. Sheledy gave notice, that he would, on to-morrow or some future day, ask leave to introduce,



A Bill to declare a certain road in Washington County a public highway.

Mr. Lester, upon leave being granted introduced,

No. 30, H. R. File, A joint resolution, "Resolved by the Council and House of Representatives of the Territory of Iowa, That Paul Brattan be and he is hereby authorized, to contract with some person to furnish a full set of seals for the County of Davis, for which they shall receive such compensation, out of the Territorial Treasury, as the Legislature may hereafter direct ;

Which was read a first time.

On motion of Mr. Snyder,

"Resolved, That the Committee on the Judiciary, be instructed, to inquire into the necessity of passing an act regulating the issue of writs of ne exeat ; and report by Bill or otherwise."

Mr. Snyder, gave notice, that he would, on to-morrow or some future day, ask leave to introduce,

A Bill to amend An act to provide for the support of illegitimate children.

On motion of Mr. Robertson,

"Resolved, That the Secretary of Iowa Territory, or the Chief Clerk of this House, be authorized to furnish each member of this House, with one copy of 'Barrows' Map and Notes of Iowa ;' *Provided*, such Map and Notes shall be furnished at two dollars and fifty cents per copy."

Mr. Downey from the Committee on engrossed bills, reported that they have examined,

No. 10, H. R. File, "A bill to repeal an act, entitled, 'An act for the improvement of sheep ;' "

And,

No. 25, H. R. File, "A Bill to change the eastern boundary of Washington County ;"

And find them correctly engrossed.

Mr. Lester, from the Committee on Township and County boundaries, to whom was referred the petition of sundry citizens of Iowa, praying an alteration in the County line between the Counties of Jefferson and Henry, made the following report :

"The Committee on Township and County boundaries, to whom was referred two petitions, containing the names of one hundred and thirty-one citizens of the counties of Henry and Jefferson, praying that Skunk River be made the boundary between the said counties, so far as the same runs through Townships seventy-two and seventy-



three, have instructed me to report : That it is inexpedient to grant the prayer of the petitioners."

Mr. Davis, from the select Committee to whom was referred, No. 5, H. R. File, "A Bill to lease the Iowa Penitentiary ;"

Reported the same with several amendments ;

Which were severally concurred in.

Mr. Downey presented the petition, of James Robinson and fifty-five others, praying the Legislature to charter a Territorial Stock Bank.

Mr. Downey, having given previous notice, and upon leave being granted, introduced,

No. 31, H. R. File, "A Bill to charter the Bank of Iowa in Iowa City,"

Which was read a first time.

On motion of Mr. Munger,

Ordered, That the usual number of copies of the Bill be printed.

The following Message was then received from the Council by J. F. Kinney their Secretary,

MR. SPEAKER :

I herewith present for for your signature—

"An act to provide for holding an additional Term of the District Court, in and for the County of Lee;"

"An act to authorise the Board of Commissioners of the County of Dubuque, to levy a tax on all real and personal Estate now subject to taxation in said County;"

"An act to change the name of the villiage of Salem, in the County of Muscatine ;"

"An act to change the name of the Town of Louisville, in the county of Wapello."

And,

"An act to amend an act, entitled, 'An act to incorporate the subscribers, for erecting a dam across the Muscatine Slough, 'Approved 5th February, 1844 ;' "

The Council have passed—

No. 27, H. R. File, "A Bill to amend an act, entitled, 'An act to vacate a part of the Town plat of Port Allen, and to legalize the relocation of a part of a Territorial road,' 'Approved 13th February, 1843 ;' "

In which the concurrence of the House is requested,

The Council have concurred in all the amendments proposed to—

No. 15, C. File, "A Bill to abolish the Office of Territorial Agent,"



Except so much as relates to striking out, "one hundred and fifty dollars," and inserting "seventy-five dollars."

And then he withdrew.

The said acts were severally signed by the Speaker of the House of Representatives.

No. 2, C. File, "A Bill to amend an act, entitled, 'An act to provide for the partition of Real property.'"

And,

No. 16, C. File, "A Bill to establish a Territorial Road from Marion in Linn county, to the Indian Boundary in a direct route to Fort Atkinson;"

Were read a first time.

No. 15, H. R. File, "A Bill to amend an act, entitled, 'An act to establish the time of holding the District Courts, in the several Judicial Districts in this Territory,' 'Approved Feb. 12th, 1844;'"

Having been returned from the Council with amendments was taken up, and those amendments were severally read and agreed to.

No. 4, C. File, "A Bill to establish a Territorial Road from Bloomington to Davenport."

Was read a second time, and,

On motion of Mr. Robertson,

Referred to a select Committee of three.

Messrs. Robertson, Banks, and Munger, were appointed said Committee.

No. 11, C. File, A Bill to make valid in law the acts of Joseph A. Reynolds a Justice of the Peace in and for the County of Buchanan."

Was read a second time, and,

On motion of Mr. Taylor,

Ordered, To be laid on the table.

No. 5, H. R. File, "A Bill to lease the Iowa Penitentiary,"

Was read a second time, recommitted, and made the order of the day for Monday next,

On motion of Mr. Taylor,

No. 16, C. File, "A Bill to establish a Territorial road from Marion in Linn county, to the Indian Boundary in a direct line, to Fort Atkinson,"

Was taken from the table, and read a second time.

On motion of Mr. Taylor,



Ordered, That the Bill be referred to a select Committee of three.

Messrs. Taylor, Snyder, and Noble, were appointed said Committee.

No. 28, H. R. File, "A Joint Resolution for auditing the expenses of the Convention, for forming a Constitution, held in 1844 ;"

Was read a second time, and,

On motion of Mr. McCleary,

Ordered, That the 42nd rule be suspended, and the Bill be read a third time now,

The Bill was read a third time, passed, and title agreed to.

Ordered, That the Council be informed thereof.

No. 29, H. R. File, "A Joint Resolution relative to the Northern Boundary of Iowa,"

Was read a second time.

Mr. Hancock made a motion,

To postpone the resolution indefinitely ;

Which was decided in the affirmative.

Yeas 20, Nays 4.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Banks, Coy, Davis, Hancock, Harper, Huner, Johnson, Lester, McCleary, Montague, Murdock, Noble, Robertson, Snyder, Stewart, Taylor, Wilson, Woodworth, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Clifton, Downey, Munger, and Sheledy.

No. 10, H. R. File, "A Bill to amend an act, entitled, 'An act for the improvement of sheep.' "

Was read a third time, passed, and title agreed to.

Ordered, That the Council be informed thereof.

Mr. Noble made a motion,

That the House do now adjourn.

Which was decided in the negative.

No. 19, H. R. File, "A bill to incorporate and establish the City of Burlington, and for revising and repealing all laws, and parts of laws heretofore enacted on that subject ;"

Being the order of the day,

The House resolved itself into Committee of the Whole House, for the consideration of the same ; Mr. Wilson in the Chair ;



And after some time spent therein,

The Committee rose and by their Chairman, reported the same back to the House without amendment.

On motion of Mr. Stewart,

Ordered, That this House do now adjourn, until to-morrow morning at 10 o'clock.

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TUESDAY MORNING, 10 O'CLOCK,

May the 20, A. D. 1845.

Mr. Chandler presented the petition of G. C. Neally and seven others, in relation to a certain Territorial Road,

Which,

On motion of Mr. Chandler,

Was referred to the delegation from Des Moines County,

Mr. Taylor, from the Committee to whom was referred,

No. 16, C. File, "A Bill to establish a Territorial Road from Marion in Linn County, to the Indian Boundary in a direct line to Fort Atkinson,"

Reported the same to the House with amendments,

Which were agreed to.

Mr. Wilson, from the Committee on Territorial affairs, to whom was referred so much of the Governor's Message, as relates to the boundary line between Iowa and Missouri, made the following report:

REPORT OF THE COMMITTEE ON TERRITORIAL AFFAIRS,

To whom was referred so much of the Governor's Message as relates to our disputed boundary with the State of Missouri.—Mr. Wilson, Chairman.

The Committee on Territorial Affairs, to whom was referred so much of the Governor's Message as relates to our disputed boundary with Missouri, have had the same under consideration, and beg leave to report that there is no power within our Legislative sphere to settle the disputed boundary between the State of Missouri and the Territory of Iowa; and therefore, the only action the Legislature can take, is to represent strongly, by a memorial to Congress, the



disagreeable, as well as dangerous state of affairs now existing upon our southern boundary; and urge that body to either settle the same, or permit the Territory to stand as a party to a suit in the Supreme Court of the United States.

Let us for a moment look at the facts in relation to this disputed boundary. The section of country in dispute was committed to our care by the General Government, and it has at all times been under our laws and peopled by our citizens. Shall Iowa, standing in the relation with the General Government of an agent or foster child, relinquish rights which have been given her by the supreme power of the land? or shall we disfranchise our own citizens and outlaw them to satisfy and pamper to the arrogant demands of the rapacity for territory of a foreign state, who can claim under no shadow of a title, and which the authorities of said state appear not only unwilling to settle, but to throw every obstacle in the way of adjudicating the dispute. By referring to the Governor's Message, we learn "that Congress by an act entitled 'An Act respecting the Northern boundary of the State of Missouri,' approved June 17th, 1844, authorized the State of Missouri, if her Legislature thought proper to assent to the provisions of the act, to appoint one commissioner, and the Territorial authorities to appoint one, and authorized the two so appointed, to select a third, to act with them in the adjustment of this controversy, and the Legislature of Missouri as I learn from a copy of the message of the Governor of that state, passed an act to carry into effect the act of Congress, but the Governor declined to approve it, and returned it with objections to its passage, and I have understood (though not officially informed of it) that the measure failed, so that the controversy remains as it stood before the passage of the act of Congress."

This veto of the Governor of Missouri was upon the grounds the Committee learns, that the act of Congress admitting Missouri fixed her boundaries by accepting her as a sovereign state, with her constitutional boundaries. Admit the premises of the Governor of Missouri,—that boundary is disputed, and all the commissioners were empowered to do, was to find out that boundary, define it, and not to take from Missouri one inch of her constitutional boundaries. The Committee cannot avoid regretting the conduct of the Executive of our adjoining State. If the act of Congress had been permitted to have gone into effect, it would have harmoniously settled this dangerous question which now assumes a threatening aspect, and might lead to armed hostilities between citizens of an adjoining State and Territory, and daily produce collisions between the Territorial and Missouri authorities.

Iowa is placed in this difficulty in a peculiar situation, this disputed tract was placed under our jurisdiction by the General Government as we have before stated. We have no power if we were ever so much inclined to relinquish this right committed to our care by



the General Government. The next questions then that naturally arise are how are we to proceed in case of difficulty? or how are we to be extricated from this awkward embarrassment? These are questions that the Committee are unable to solve, and therefore, propound to the House, that they may all reflect upon them in hopes that some path may yet be discovered that will harmoniously quell all disturbances, and forever settle this much vexed question of boundary. Standing in the relation we do to the General Government, any expenses that might arise from any conflict with Missouri should in all justice and equity be settled by the General Government. It cannot become a tax upon our Territorial Government, as the Legislature has no right to levy a tax for any such purposes.

If the General Government should refuse to allow any claim from our Territory, for any such contingencies, if they should unfortunately arise, as she has already done for a similar demand, although in the dispute between Michigan and Ohio in relation to boundary, she not only set the precedent for such claims, but actually paid all expenses, and furnished the latter State with arms and munitions of war, and at the same session of Congress recognized her right to the disputed territory. This difference of action in precisely parallel cases, can be accounted for in no other way than that Ohio is a great and powerful State, with a voice and vote in the councils of the nation, while we are young, weak, and at present, comparatively without power in the councils of the Government. We repeat then, if Congress should again refuse to allow such claims if they should arise, [as your Committee from the present appearance of things are too fearful] we are perfectly powerless, and our Territory must be regarded in no other light, than a free and open manor which the General Government has created, upon which all surrounding States and Territories may have the implied privilege of poaching upon with impunity, and almost with the express consent of Congress.

*Resolved*, That our Delegate in Congress be requested to use his influence to have a law passed to bring the disputed boundary between Iowa and Missouri to a speedy close, by obtaining consent to let the Territory stand as a party to a suit in the Supreme Court of the United States, or such other manner as he shall deem best upon a full investigation of the subject, and also, that the claims of our citizens arising from a call from the officers of the General Government for duty and service upon a similar occasion of difficulty with Missouri, is just and equitable, and such claim should in all honor be paid by the General Government.

In conclusion your Committee beg leave to be discharged from the further consideration of the subject.

Which was adopted.

On motion of Mr. McCleary,

Ordered, That two hundred and forty copies of said report be printed.



Mr. Murdock from the Committee on the Judiciary, who was instructed to inquire into the expediency of postponing the election of Members of the House of Representatives, reported,

No. 32, H. R. File, "A Bill to postpone the election of members of the House of Representatives of the Territory of Iowa, from August until April ;"

Which was read a first time.

Mr. Sheledy, having given previous notice, and upon leave being granted, introduced,

No. 33, H. R. File, "A Bill to declare a certain road therein named a public highway."

Which was read a first time.

Mr. Davis, having given previous notice, and upon leave being granted, introduced,

No. 34, H. R. File, A Bill authorizing the construction of slopes in mill dams in Skunk River ;"

Which was read a first time.

Mr. Johnson having given previous notice, and upon leave being granted, introduced,

No. 35, H. R. File, "A Bill amendatory of an act, entitled, 'An act concerning costs, and fees,' 'Approved Feb. 11th, 1843 ;' "

Which was read a first time.

Ordered, That the usual number of copies be printed.

The following Message was received from the Council, by J. F. Kinney their Secretary.

MR. SPEAKER,

I am directed to inform the House, that the Council have passed—

No. 12, C. File, "A Bill to provide for taking the Census of Iowa Territory, and for the re-apportionment of the Legislative Assembly."

Also,

No. 21, C. File, "A Memorial to Congress, for the purpose of obtaining a grant of Land for the improvement of the Des Moines river."

Also,

No. 22, C. File, "A Bill to provide for the payment of the expenses of the Convention, which assembled in Iowa City on the 1st Monday of October, A. D. 1844, to frame a Constitution for the future State of Iowa."

In which the concurrence of the House is requested.

The Council have also passed,

No. 14, H. R. File, "A Bill to amend an act, entitled, 'An act



regulating practice in the District Courts in the Territory of Iowa,'  
'Approved Feb. 10th, 1843 ;' "

Also,

No. 22, H. R. File, "A Bill to legalize the acts of Charles E. Bensil, former Recorder of deeds in the County of Clayton,"

The Council have indefinitely postponed,

No. 23, H. R. File, "A Bill to amend an act, entitled, 'An act allowing and regulating writs of Attachments, 'Approved, 16th Feb. 1843 ;' "

And then he withdrew.

No. 15, C. File, "A Bill to abolish the Office of Territorial Agent,"

Being returned from the Council, with a message informing the House, that the Council insist upon their disagreement to the amendments of the House,

On motion of Mr. Robertson,

The House insisted on its amendment.

On motion of Mr. Sheledy,

Ordered, That a Committee of conference, on the part of the House, be appointed in relation to the same.

Messrs. Johnson and Sheledy were appointed said Committee.

No. 30, H. R. File, A joint resolution, "Resolved by the Council and House of Representatives of the Territory of Iowa, That Paul Brattan be and he is hereby authorized, to contract with some person to furnish a full set of seals for the County of Davis, for which they shall receive such compensation, out of the Territorial Treasury, as the Legislature may hereafter direct ;"

Was read a second time.

On motion of Mr. Sheledy,

The resolution was referred to a select Committee.

Messrs. Sheledy, Hancock, and Harper, were appointed said Committee.

No. 32, H. R. File, "A Bill to postpone the election of the Members of the House of Representatives of the Territory of Iowa, from August until April,"

Was read a second time, and,

On motion of Mr. Wilson,

Referred to the Committee on the Judiciary.

No. 16, C. File, "A Bill to establish a Territorial road from Marion in Linn County, to the Indian boundary in a direct line to Fort Atkinson,"



Was read a second time ; and,

On motion of Mr. Robertson,

Ordered, To be read a third time to-morrow.

No. 19, H. R. File, "A Bill to incorporate and establish the City of Burlington ; and for revising and repealing all laws, and parts of laws heretofore enacted on that subject, "

Was read a second time, and,

On motion of Mr. Johnson,

Referred to a select Committee of five.

Messrs. Johnson, Sheledy, Hancock, Snyder, and Clifton, were appointed said Committee.

No. 16, H. R. File, "A Bill to amend an act, entitled, 'An act for the organization of Townships ;' "

Being the order of the day ;

Was considered in Committee of the Whole House ; Mr. Hancock in the Chair ;

And after some time spent therein,

The Committee rose and by their Chairman, reported the same to the House with several amendments ;

Which were severally agreed to.

On motion of Mr. Davis,

Ordered, That the Bill be engrossed and read a third time to-morrow.

On motion of Mr. Snyder,

Ordered, That the House do now adjourn until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

No. 4, H. R. File, "A Bill to prohibit and punish the sale of liquors to the Indians ;"

Being the order of the day,

Was considered in Committee of the Whole House ; Mr. Sheledy in the Chair ;

And after some time spent therein,

The Speaker resumed the Chair, and Mr. Sheledy reported that the Committee had according to order had the said Bill under consideration and had directed him to report the same back to the House without amendment.

Mr. Murdock made a motion,

To indefinitely postpone the Bill.



Mr. McCleary made a motion,

To amend the Bill by striking out the words "Penitentiary for a period of not less than three months, or more than one year," and inserting instead thereof, the "words; "County Jail and be fed on bread and water not exceeding thirty days."

The question, was then put,

"Will the House agree to the amendment?"

And decided in the negative.

Yeas 5, Nays 18.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Davis, McCleary, Snyder, and Wilson.

Those who voted in the negative, are

Messrs. Anderson, Clifton, Coy, Downey, Hancock, Harper, Huner, Johnson, Lester, Montague, Murdock, Noble, Robertson, Sheledy, Stewart, Taylor, Woodworth, and Morgan, Speaker.

The question then recurred on Mr. Murdock's motion; and

The question being put,

"Shall the Bill be indefinitely postponed?"

It was decided in the negative.

Yeas 7, Nays 16.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Coy, Davis, Downey, Harper, McCleary, Murdock, and Wilson.

Those who voted in the negative, are

Messrs. Anderson, Banks, Clifton, Hancock, Huner, Johnson, Lester, Montague, Noble, Robertson, Sheledy, Snyder, Stewart, Taylor, Woodworth, and Morgan, Speaker.

Mr. Hancock made a motion,

To suspend, the 42nd rule and that the Bill be read a third time now;

Which was decided in the affirmative.

Yeas 20, Nays 3.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Banks, Clifton, Coy, Davis, Downey, Hancock, Harper, Huner, Johnson, Lester, Montague, Noble, Robertson, Sheledy, Snyder, Stewart, Taylor, Woodworth, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. McCleary, Murdock, and Wilson.



The Bill was then read a third time; and,

The question being put,

"Shall the Bill pass,"

It was decided in the affirmative,

Yeas 17, Nays 6.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Banks, Clifton, Davis, Hancock, Harper, Johnson, Lester, Montague, Noble, Robertson, Sheledy, Snyder, Stewart, Taylor, Woodworth, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Coy, Downey, Huner, McCleary, Murdock, and Wilson.

So the Bill was passed and the title agreed to.

No. 26, H. R. File, "A Bill to repeal the 6th section of an act, commonly called the Valuation Law, chapter 155 of the revised Statutes of Iowa,"

Being the order of the day,

Was considered in Committee of the Whole House, Mr. Davis in the Chair;

And after some time spent therein,

The Speaker resumed the Chair, and Mr. Davis reported the same to the House with one amendment;

Which was agreed to.

Mr. Murdock made a motion,

To amend the Bill by inserting before the word "6th" the words "3rd 4th and"

On motion of Mr. Anderson,

A call of the House was ordered.

Messrs. Chandler, Dewey, Leonard, and Munger were absent.

On motion of Mr. M'Cleary,

Ordered, That Messrs. Leonard and Chandler, be excused from attendance.

On motion of Mr. Murdock,

Ordered, That the further call of the House be dispensed with.

Mr. Murdock on leave of the House withdrew his amendment.

On motion of Mr. M'Cleary,

Ordered, That the Bill be referred to the Committee on the Judiciary.

No. 25, H. R. File, "A Bill to change the Eastern boundary of the County of Washington;"



Being the order of the day,  
Was considered in Committee of the Whole House ; Mr. Robertson in the Chair ;

And after some time spent therein,  
Mr. Speaker resumed the Chair, and Mr. Robertson, reported the same back to the House without amendment.

Mr. Snyder made a motion,  
To strike out the enacting clause of the Bill ;  
Which was decided in the negative.  
On motion of Mr. Robertson,  
Ordered, That the Bill be engrossed and read a third time to-morrow.

Mr. Taylor gave notice, that he would on to-morrow or some future day, ask leave to introduce,  
A Bill to more fully prevent trespass on timbered lands.

On motion of Mr. McCleary,  
Ordered, That this House do now adjourn, until to-morrow morning at 10 o'clock.

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WEDNESDAY MORNING, 10 O'CLOCK,

**May the 21, A. D. 1845.**

Mr. Morgan presented the petition of David Scott, Sen. and seventeen others, in relation to township roads,  
Which was,

On motion of Mr. Morgan,  
Referred to the Committee on Roads and Highways.

Mr. Munger presented the petition of Samuel Parker of the county of Henry, praying relief in a certain case therein named, and the certificate of E. Killpatrick, Clerk of the District Court for the County of Henry.

Which were,  
On motion of Mr. Munger.  
Ordered, To be referred to a select Committee.  
Messrs. Munger, Downey, and Johnson, were appointed said Committee.



Mr. Downey presented the petition of John Campbell and seven others, praying that the acts of William Foster a Justice of the Peace, in and for the County of Johnson, be legalised,

Which,

On motion of Mr. Downey,

Was referred to the Committee on the Judiciary.

Mr. Huner presented the petition of one hundred and sixty persons, praying an alteration in the law in relation to Mechanics Liens.

Which was referred to the Committee on the Judiciary.

Mr. Sheledy gave notice, that he would, on to-morrow or some future day, ask leave to introduce,

A Bill to amend an act, entitled, "An act for opening and regulating Roads and Highways."

Mr. Robertson gave notice, that he would, on to-morrow or some future day, ask leave to introduce,

A Bill to incorporate the Scott County Hydraulic Company.

Mr. Johnson, from the select Committee, to whom was referred,

No. 19, H. R. File, "A bill to incorporate and establish the City of Burlington; and for revising and repealing all laws, and parts of laws heretofore enacted on that subject;"

Reported the same back to the House with two amendments;

On motion of Mr. Sheledy,

Ordered, That the Bill be recommitted to a Committee of the Whole House, and made the order of the day for this day.

Mr. Taylor, from the Committee on engrossed bills, reported that they have examined—

No. 25, H. R. File, "A Bill to change the eastern boundary of Washington County."

Also,

No. 16, H. R. File, "A Bill to amend an act, entitled, 'An act for the organization of Townships,'"

Mr. Sheledy, from the select Committee to whom was referred,

No. 30, H. R. File, A joint resolution, "Resolved by the Council and House of Representatives of the Territory of Iowa, That Paul Brattan be and he is hereby authorized, to contract with some person to furnish a full set of seals for the County of Davis, for which they shall receive such compensation, out of the Territorial Treasury, as the Legislature may hereafter direct;"

Reported the same back to the House with amendments;

Which were agreed to.



Mr. Banks, having given previous notice, and upon leave being granted, introduced,

No. 36, H. R. File, "A Bill to regulate fees of Sheriffs and Constables, in attendance on the District Courts ;"

Which was read a first time.

No. 12, C. File, "A Bill to provide for taking the Census of Iowa Territory, and for the re-apportionment of the Legislative Assembly ;"

No. 21, C. File, "A Memorial to Congress, for the purpose of obtaining a grant of Land for the improvement of the Des Moines river ;"

And,

No. 22, C. File, "A Bill to provide for the payment of the expenses of the Convention, which assembled in Iowa City on the 1st Monday of October, A. D. 1844, to frame a Constitution for the future State of Iowa ;"

Were severally read a first time.

No. 33, H. R. File, "A Bill to declare a certain road therein named a public highway,"

Was read a second time.

On motion of Mr. Sheledy,

The 42nd rule was suspended, the Bill read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 34, H. R. File, A Bill authorizing the construction of slopes in mill dams in Skunk River ;"

Was read a second time, and,

On motion of Mr. Robertson,

Ordered, To be engrossed, and read a third time to-morrow.

No. 2, C. File, "A Bill to amend an act, entitled, 'An act to provide for the partition of Real property,'"

Was read a second time, and,

On motion of Mr. Downey.

Ordered, To be read a third time to-morrow.

No. 32, H. R. File, "A Bill to postpone the election of the Members of the House of Representatives of the Territory of Iowa, from August until April,"

Was read a second time, and,

On motion of Mr. Murdock,

Ordered, To be engrossed and read a third time to-morrow.

No. 31, H. R. File, "A Bill to charter the Bank of Iowa in Iowa City,"

Was read a second time.



Mr. Downey made a motion,  
To refer the Bill to a select Committee, and,  
The question being put,  
"Shall the Bill be so referred?"

It was decided in the affirmative.

Yeas 14, Nays 9.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Clifton, Downey, Huner, Johnson, McCleary,  
Munger, Noble, Robertson, Sheledy, Snyder, Taylor, Woodworth,  
and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Banks, Coy, Davis, Hancock, Harper, Lester, Montague,  
Murdock, and Wilson.

No. 25, H. R. File, "A Bill to change the eastern boundary of  
Washington County ;"

Was read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

Mr. Munger, from the Committee on Enrolments reported back  
to the House,

"An act, to repeal the Charter of the Miners' Bank of Dubuque,  
and to provide for winding up the affairs of the same," with the fol-  
lowing endorsement thereon:

"This Bill received at the Executive Office on the 15th of May  
1845, and retained until the 20th, and then returned to the Commit-  
tee from which it was received."

(Signed,) JOHN CHAMBERS.

Governor.

The following Message was then received from the Council by  
J. F. Kinney their Secretary.

MR. SPEAKER :

I am directed to inform the House, that the Council have passed—  
No. 20, C. File, "A Bill to amend 'An act defining the duties of  
County Survevor,' 'Approved Feb. 9th 1843.'"

Also,

No. 24, C. File, "Joint Resolution providing for the adjournment  
of the Legislative Assembly."

In which the concurrence of the House is requested.

The Council have also passed without amendment,

No. 6, H. R. File, "A Bill to amend an act, entitled, 'An act to  
provide for Assessing and Collecting Public Revenue,' 'Approved  
Feb. 15th, 1844;'"



Also with amendments,  
No. 7, H. R. File, "A Bill to prevent the destruction of Notices, Advertisements, &c."

I herewith return—

"An act to amend an act, entitled, 'An act to vacate a part of the Town plat of Port Allen, and to legalize the relocation of a part of a Territorial road,' 'Approved 13th February, 1843.'"

Also,

"An act amendatory of an act, entitled, 'An act to establish the time of holding the District Courts in the several Judicial Districts in the Territory,' 'Approved Feb. 12th, 1844;'"

They having been signed by the President of the Council.

And then he withdrew.

No. 16, C. File, "A Bill to establish a Territorial road from Marion in Linn County, to the Indian boundary in a direct line to Fort Atkinson,"

Was read a third time, passed, and title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Snyder,

No. 20, H. R. File, "A Bill to amend 'An act to establish a system of Common Schools,' 'Approved January 16th, 1844;'"

Was taken from the table, and upon his motion, referred to a select Committee of three.

Messrs. Snyder, Clifton, and Montague, were appointed said Committee.

No. 19, H. R. File, "A Bill to incorporate and establish the City of Burlington, and for revising and repealing all laws and parts of laws heretofore enacted on that subject,"

Being the order of the day,

Was considered in Committee of the Whole House; Mr. Wilson in the Chair;

And after some time spent therein,

The Committee rose and by their Chairman reported progress and asked leave of the House to sit again;

Which was granted.

On motion of Mr. Taylor,

Ordered, That the House do now adjourn until 2 o'clock, P. M.



## 2 O'CLOCK, P. M.

No. 19, H. R. File, "A Bill to incorporate and establish the City of Burlington, and for revising and repealing all laws and parts of laws heretofore enacted on that subject,"

Being the order of the day,

The consideration thereof was resumed in Committee of the Whole House; Mr. Hancock in the Chair;

And after some time spent in consideration of the same,

The Committee rose and by their Chairman reported the same to the House without amendment.

Mr. Davis made a motion,

To amend the 12th section of the Bill, by adding the following:—

"*Provided*, That all laws or ordinances, passed by said City Council, conflicting in any wise, with the Constitution of the United States, the Organic or Statute laws of this Territory, shall be null and void, and of no effect."

Mr. Johnson made a motion,

To amend the amendment, by striking out the words; "Constitution of the United States, the Organic or,"

Which was agreed to.

The question then recurred on Mr. Davis' motion as amended by Mr. Johnson, and

Was decided in the affirmative.

On motion of Mr. Sheledy,

The 42nd rule was suspended, the Bill read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Johnson,

No. 9, H. R. File, "A Bill to amend an act, entitled, 'An act amendatory of, an act to provide for the election of Justices of the Peace, to prescribe their duties and powers, and to regulate their proceedings,' 'Approved Feb. 14th, 1844;'"

Was taken from the table; together with the report of the Committee, thereon.

The question, was then put,

"Will the House agree to the amendment reported by the Committee?"



Which was decided in the affirmative.

Yeas 18, Nays 5.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Coy, Davis, Hancock, Harper, Huner, Johnson, Lester, McCleary, Montague, Munger, Murdock, Noble, Robertson, Snyder, Taylor, Wilson, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Banks, Clifton, Downey, Sheledy, and Woodworth.

On motion of Mr. Johnson,

Ordered, That the Bill be engrossed and read a third time to-morrow.

Mr. McCleary gave notice, that he would, on to-morrow or some future day, ask leave to introduce,

A Bill amendatory of "An act to authorise evidence by the oath of parties," "Approved 20th January, 1843."

On motion of Mr. Banks,

Ordered, That this House do now adjourn, until to-morrow morning at 10 o'clock.

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#### THURSDAY MORNING, 10 O'CLOCK,

**May the 22, A. D. 1845.**

The House met pursuant to adjournment.

Mr. Wilson rose and made the following announcement:—

MR. SPEAKER:

It becomes my painful duty to announce to this House, the death of our esteemed and worthy associate, the Honorable JAMES LEONARD of Jackson county.

How true it is, "that in the midst of life, we are in the midst of death"—we are all passing away "like the dew of the morning," and the places that we now fill, will soon be vacant, and know us no more, we will have gone—

"And like the baseless fabric of a vision,  
Leave not a wreck behind."

Oblivion, however painful the thought, is the common fate of all



mankind, none can avoid it, or flee from the presence of the grim monster—death. Some who have gone before us in ages past, have tried in vain to build up a name that would stand the ravages of time, and the mutations of centuries. But, turn over the partial and distorted pages of history, or point to the mouldering ruins where once the storied urn—the towering column—or the emblazoned designs, told of knightly trophies of arms, or the services done the state, and it will also forcibly tell, a sad story of the feeble power of puny man to gain a single point above the common level, or to possess in a single iota, any part of the attributes pertaining to Omnipotence. If oblivion is the common fate of all—if the cold and silent grave awaits us, what a mockery we make of death in our every day's transactions—how little is thought of it, and if ever the unpleasant thought of our final dissolution flits across our imagination, it is shrunk from as an odious and disagreeable thought, that we should not dwell upon, or permit for a single moment to engross our time. But, think of it we must, and the oftener the better—for there it stands—there is no alternative but to meet it, and how careful should we be to meet it in that calm and blessed way that at its approach we should exclaim—

“Oh! death where is thy sting,

Oh! grave where is thy victory?”

To accomplish so desirable an end should be our aim, it will be more valuable than the glittering bauble FAME, that dazzles but to deceive, more precious than WEALTH, that takes unto itself wings and disappeareth forever, and the possession of which peace will not only make us more wise, virtuous, and happy here, but through all the countless years of eternity.

Our deceased friend needs no studied eulogy from me; to know him was to love him, and his death has caused a chasm in the society in which he moved, that for a long time will be irreparable. So pure and fair was his character, that for once the poisoned fang of partisan violence was stripped of its slime and malevolence, and he was elected by an intelligent and virtuous people, almost without opposition.

It now only remains for us to pay the last tribute of memory to our departed friend, and soon the winding sheet—the pall—the bier—the tolling bell, and the cold and silent grave will have swallowed up all recollections of the generous, amiable and beloved stranger, save in the heart of that bereaved wife and those orphan children; to them language is inadequate to portray their loss, or time may attempt in vain to throw over his shroud of forgetfulness.

But a short time ago, he left home in the full possession of life, health and vigor, with high and buoyant hopes connected with the future. These hopes have all been blasted in their spring time, and now he lies a cold and lifeless being. But, I will not any longer harrow up your already deeply sympathising spirits, for, although,



it can be said, that he died surrounded with strangers, there was not one soul there, that was not overrunning with a generous and deep feeling for his sufferings; it was with a feeling akin to that which inspires us to higher and holier aspirations, with which the members of this Legislature watched the final exit of his parting soul, and the only thing they can now do, is to offer their poor sorrow to the bereaved wife— orphan children—and sympathising friends, and hope that he has gone to a better and purer world where sorrow never comes.

Mr. Murdock on leave being granted, introduced the following:

No. 37, H. R. File, Joint Resolutions, "Resolved by the Council and House of Representatives of the Territory of Iowa, That the Members and Officers of both Houses, will attend the funeral of James Leonard, a member of the House of Representatives, at 10 o'clock to-morrow morning.

"Resolved, That a Joint Committee of two Members of each House, be appointed to take order for the superintending the funeral of James Leonard, deceased,

"Resolved, That the Members and Officers of both Houses, will testify the respect for the memory of their deceased, by wearing crape on the left arm for thirty days.

"Resolved, That when the two Houses adjourn to-day, they will adjourn to meet again on Saturday morning at 10 o'clock."

Which was read a first time.

On motion of Mr. Murdock,

The 42nd rule was suspended, the Resolutions were read a second and third times, and passed unanimously.

Ordered, That the Council be informed thereof.

Messrs. Murdock and Robertson, were appointed said Committee.

On motion of Mr. Johnson,

Ordered, That the House do now adjourn until Saturday morning at 10 o'clock.



SATURDAY MORNING, 10 O'CLOCK.

May the 24, A. D. 1845.

Mr. Taylor, from the Committee on engrossed bills, reported the following Bills correctly engrossed ; viz :

No. 30, H. R. File, A joint resolution, " Resolved by the Council and House of Representatives of the Territory of Iowa, That Paul Brattan be and he is hereby authorized, to contract with some person to furnish a full set of seals for the County of Davis, for which they shall receive such compensation, out of the Territorial Treasury, as the Legislature may hereafter direct ;"

No. 32, H. R. File, "A Bill to postpone the election of the Members of the House of Representatives of the Territory of Iowa, from August until April,"

And,

No. 9, H. R. File, "A Bill to amend an act, entitled, 'An act amendatory of an act, to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings,' 'Approved Feb. 12th, 1844.'"

Mr. Murdock from the Committee on the Judiciary, reported :

No. 38, H. R. File, "A Bill to legalize the acts of William Foster, an acting Justice of the Peace."

Which was read a first time.

Mr. McCleary, having given previous notice, and upon leave being granted, introduced,

No. 39, H. R. File, "A Bill amendatory of 'An act to authorize evidence by the oath of the parties,' "

Which was read a first time.

No. 20, C. File, "A Bill to amend 'An act defining the duties of County Surveyors,' 'Approved Feb. 9th 1843,' "

Was read a first time.

No. 24, C. File, A Joint Resolution providing for the adjournment of the Legislative Assembly,"

Was read a first time.

No. 7, H. R. File, "A Bill to prevent the destruction of Notices, Advertisements, &c."

Having been returned by the Council, passed with an amendment, was taken up and the amendment agreed to.



No. 36, H. R. File, "A Bill to regulate fees of Sheriffs and Constables, in attendance on the District Courts ;"

Was read a second time, and,

On motion of Mr. M'Cleary,

Ordered, That the Bill be engrossed and read a third time on Monday next.

Mr. Downey on leave being granted, presented the following Report of the Auditor of Public Accounts :

AUDITOR'S OFFICE, IOWA, }  
IOWA CITY, 15th May, 1845. }

*To the Honorable the Council and*

*House of Representatives of the Territory of Iowa :*

GENTLEMEN:—

In conformity to the eight section of an act of the Legislative Assembly of the Territory of Iowa entitled, "An act providing for the appointment and duties of Auditor of Public Accounts, and regulating the duties of Territorial Treasurer, I herewith submit to you the following Report :

Warrants issued since my last annual Report bearing date 6th December, 1843.

*For pay of Military Officers, &c.*

To Chas. Mattoon as member of court martial,	\$10 00
" J. G. Green, do do	3 00
" Arthur Washburn, do do	2 00
" S. C. Hastings, do do	2 00
" A. T. Banks, do do	3 25
" Hiram Mathews, Marshal do	2 00
" Wm. Parvin, do do	4 00
" Jacob Butler, Judge Advocate do	6 00
" Irad C. Day, do do	6 00
" O. H. W. Stull, for salary as Adjutant General	112 50
" do do do	37 50
" do do do	50 00
" do do do	50 00
" David R. Warfield for service as Brigade Inspector,	64 00
" James Clarke for printing military commissions	17 50
	<hr/> \$369 75



*For Expenses of Penitentiary.*

To Thos. Hardy,	\$24 06
" Luke Alpine,	29 33
" do	334 00
" Aquilline W. Noe,	40 50
" Thos. Hale,	16 75
" do	16 18
" Chas. Jewett,	58 66
" do	4 66
" do	3 33
" do	20 00
" do	47 00
" do	69 44
" do	26 66
" do	7 00
" Ozra Hall,	57 50
" do	7 00
" Elias Frits,	23 00
" do	20 00
" do	60 00
" Darrias Wellington,	33 80
" Thomas F. Scott,	29 20
" do	11 00
" do	8 64
" do	60 12
" Anderson & McHenry,	10 75
" do	7 77
" do	41 40
" do	3 15
" do	36 00
" do	44 10
" Charles Martin,	40 00
" do	2 00
" Patrick Gilligan,	5 96
" John Claypool,	56 10
" do	90 26
" John Carl,	17 47
" Aaron Scott,	12 75
" David Myers,	40 26
" do	117 40
" do	10 50
" William Wilson,	3 00
" do	31 50
" Amos Ladd,	6 00
" Daniel McConn,	8 00
" do	180 00



To John Moyce,	\$31 84
" do	52 50
" do	144 66
" do	40 00
" Charles Morton,	14 93
" do	8 25
" do	7 50
" Smith & Deming,	17 11
" T. F. Scott,	62 64
" Edwin Guthrie,	407 99
" do	335 43
" do	200 00
" do	100 00
" do	34 00
" do	59 37
" John A. Drake,	19 00
" Crow & Walker,	80 00
" Ward Lampson,	8 00
" Guy Wells,	36 25
" John Waters,	34 50
" Thadius Chamberlain,	234 00
" do	60 00
" James G. Edwards,	11 00
" Zennis Nash,	100 00
" Richard Brazier,	3 33
" Agrippa Henderson,	3 33
" Samuel Smith,	7 50
" Southwick Guthrie,	40 00
" Edward Kilbourn,	36 80
" Franklin Snapp,	4 00
" H. Cattermole,	59 85
" J. P. Eddy,	10 00
	<hr/> \$1035 98

*For fees of Sheriffs and Clerk of the District Courts.*

To Wm. P. Doty, Depty. Sheriff for attending Supreme Court,	19 50
" Henry Heffleman, sheriff of Van Buren county for attending District Court,	25 00
" Henry Heffleman, do do do	21 00
" do do do do do	20 00
" Josiah H. Bonney, do do do	11 59
" D. J. Snyder, sheriff Muscatine co. do	85 50
" E. Cutler, Clerk Dis. Court in Van Buren co.	5 31
" F. B. Hazeltine - do do	5 12
	<hr/> \$193 02



*For salary of Territorial Treasurer and postage of  
Treasurer's Office.*

" To Morgan Reno,	\$227 44	
" do	225 00	
	<hr/>	452 44
		<hr/>
		\$5051 19

*For Contingent Expenses.*

To James P. Carleton for seal press,	3 00	
" S. C. Trowbridge for postage of Aud's Office,	3 00	
" do do do	1 87	
" Wesley Jones for paper,	2 25	
	<hr/>	10 12

Total amount of warrants issued since 6th Dec.  
1843. \$5061 31

Amount outstanding against the Territory 6th  
Dec. 1843, 13154 25

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\$18215 25

Warrants canceled and payments by Territorial  
Treasurer, 5257 10

Amount remaining in the Treasury on the 10th  
inst., as per Treasurer's Report, 142 55

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5399 65

Amount now outstanding against the Territory, \$12815 91

The following statement of the accounts with the several Counties in the Territory will exhibit the apparent resources of the Territory as the means of discharging the above amount of liabilities, now outstanding against the Territory. The first statement exhibits the condition of the old accounts from the year 1839 to 1843 inclusive, from which I am satisfied there will be but little, if any, more realized by the Territorial Treasury.

The late act of the Legislative Assembly approved 15th Feb. 1844, entitled, "An act for assessing Territorial tax, and for other purposes," which makes it the duty of the County Treasurers to collect the Territorial tax and pay into the Territorial Treasury, has had a tendency to secure a degree of promptness, in a portion of the county Treasurers not here-



tofore manifest by a large majority of the County officers who have had the handling of the Territorial Revenue, and being aware that such would be the case under the law above referred to, (from the fact that the responsibility is now placed upon, and confined to one individual, viz: the County Treasurer, and that he can now be reached by law and coerced into a faithful performance of his duty,) I have deemed it expedient and proper to open a new set of accounts for the taxes of 1844, as will be found in the second statement under the head of new accounts.

*Statement of old Accounts from 1839 to 1843 inclusive.*

CEDAR COUNTY.

	Dr.	Cr.
To amount due 6th Dec. 1843 as per last report,	\$143 61	
By Territorial Treasurer's rect. 29th Oct. '44,		\$47 10
Balance now due,	\$96 51	

CLAYTON COUNTY.

To amt. due 6th Dec. 1843, as per last report,	\$48 65
" Assessment of territorial tax, for 1843,	25 79
Amount now due,	\$74 44

CLINTON COUNTY.

To amt. due 6th Dec. 1843, as per last report,	\$65 18
" Assessment of territorial tax for 1843,	22 43
Amount now due,	\$87 61

DESMOINES COUNTY.

To balance due 6th Dec. as per last report,	\$649 87	
" Assessment of territorial tax for 1843,	783 56	
	1433 43	
By Territorial Treasurer's rect. 29th Oct. '44,		618 60
" Delinquent list for 1842,		11 44
		630 04
To balance now due	\$803 39	



Dr.

Cr.

## DUBUQUE COUNTY.

	\$	cts.	\$	cts.
To amt. due 6th Dec. 1843, as per last report,	193	16		
“ Assessment of territorial tax for 1841,	112	37		
“ “ “ “ 1842,	79	05		
“ “ “ “ 1843,	100	00		
	<hr/>			
	484	58		
By Territorial Treasurer's rect. May 12th 1845,			67	29
	<hr/>			
To balance now due,	417	29		

## HENRY COUNTY.

To balance due 6th Dec. 1843, as per last report,	\$17	60		
By Territorial Treasurer's rect. June 20, 1844,			166	83
	<hr/>			
“ By balance as appears upon the books,			\$149	23

The abstract of the Assessment for the year 1843, has not been transmitted by the Clerk of the Board of County Commissioners to this office as required by law, consequently the assessment for that year, (which would leave a small balance in favor of the Territory,) is not charged to the county.

## SCOTT COUNTY.

By balance due Scott County 6th, Dec. 1843, as per report,			10	00
To amount transferred to new account for 1844,	10	00		
	<hr/>			

## MUSCATINE COUNTY,

To balance due 6th Dec. 1843, as per last report,	466	75		
“ Assessment of territorial tax for 1843,	287	70		
	<hr/>			
	754	45		
By cash paid on three drafts as per Treasurer's report,			41	75
	<hr/>			
To balance now due,	712	70		



	Dr.	Cr.
	\$ cts	\$ cts.
JACKSON COUNTY,		
To amt. due 6th Dec. 1843, as per last report,	79 75	
“ Assessment of territorial tax for 1843,	55 32	
	<hr/>	
Amount now due,	135 07	

JEFFERSON COUNTY.		
To amt. due 6th Dec. 1843, as per last report,	230 95	
“ Assessment of territorial tax for 1843,	139 13	
	<hr/>	
	370 08	
By Territorial Treasurer's rect. 10th May 1844,		56 10
“ “ “ “ 12th “ 1845,		227 74
		<hr/>
		283 84
To balance now due,	86 24	

JOHNSON COUNTY.		
To balance due 6th Dec. 1843, as per last report,	275 54	
By Territorial Treasurer's rect. 12th May 1845,		190 51
	<hr/>	
To balance now due,	85 03	

JONES COUNTY.		
To balance due 6th Dec. 1843, as per last report,	28 96	
“ Assessment of territorial tax for 1843,	16 77	
By cash paid on two drafts as per Treasurer's report,		44 00
By Collector's commission,		1 73
	<hr/>	<hr/>
	45 73	45 73

LEE COUNTY,		
To balance due 6th Dec. 1843, as per last report,	298 35	
“ Assessment of territorial tax for 1843,	536 83	
By Territorial Treasurer's receipt 29th October 1844,		692 24
By Territorial “ rect. 1st May, 1845,		35 06
“ Delinquent list for 1842-3,		37 82
“ Collector's commission,		70 06
	<hr/>	<hr/>
	835 18	835 18



Dr.

Cr.

## LINN COUNTY.

	\$	cts.	\$	cts.
To balance due 6th Dec. 1843, as per report,	13	82		
“ Assessment of Territorial tax for 1843,	52	22		
	<hr/>			
	66	04		
By cash paid on draft as per Treasurer's report,			7	93
	<hr/>			
To balance now due,	58	11		

## LOUISA COUNTY.

To balance due 6th Dec. as per report,	116	34		
By Territorial Treasurer's rect. May 12, 1845,			214	50
	<hr/>			
“ Balance as appears upon the books			98	16

The Clerk of the Board of County Commissioner's has neglected to transmit to this office an abstract of the assessment for the year 1843, which when filed in this office, and placed to the account of Louisa County will leave a considerable balance in favor of the Territory.

## VAN BUREN COUNTY.

To amount due 6th Dec. 1843, as per report,	988	14		
By Territorial Treasurer's rect. 29th Oct. 1844,			684	61
	<hr/>			
Balance now due,	303	53		

## WASHINGTON COUNTY.

To balance due 6th Dec. 1843, as per report,	167	83		
By cash paid on two drafts as per Treasurer's report,			53	18
	<hr/>			
Balance now due,	114	15		

*Recaptulation of old Accounts.*

Due from Cedar county,	96	51		
“ “ Clayton county,	74	44		
“ “ Clinton county,	87	61		
“ “ Des Moines county,	803	39		
“ “ Dubuque county,	417	29		
“ “ Muscatine county,	712	70		



	Dr.	Cr.
	\$ cts.	\$ cts.
Due from Jackson county,	135 07	
“ “ Jefferson county,	86 24	
“ “ Johnson county,	85 03	
“ “ Linn county,	58 11	
“ “ Van Buren county,	303 53	
“ “ Washington county,	114 15	
	<hr/>	
	3474 07	

To this amount should be added such balances as may be found to be due from Henry and Louisa counties, after the abstracts of the assessments for the year 1843, shall have been filed in this office, and charged to said counties.

*Statement of new Accounts for the Taxes of 1844.*

*Treasurer of Muscatine County,*

To Assessment for the year 1844,	269 18	
By cash paid on draft as per Treasurer's report,		165 50
	<hr/>	
To balance now due,	103 68	

*Treasurer of Clinton County.*

To Assessment for the year 1844.	46 43	
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*Treasurer of Henry County.*

To Assessment for the year 1844,	330 69	
By delinquent list,		64 64
“ County Treasurer's commission on 266 05,		13 30
“ Travelling fees,		6 00
“ Territorial Treasurer's rect. 12th May 1845,		246 75
	<hr/>	<hr/>
	330 69	330 69

*Treasurer of Mashaska County.*

To Assessment for the year 1844,	23 33	
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	<i>Dr.</i>	<i>Cr.</i>
<i>Treasurer of Davis County.</i>		
	\$ cts.	\$ cts.
To Assessment for the year 1844,	29 17	
By Territorial Treasurer's rect. 12th May 1845,		19 65
“ Delinquent list,		3 74
		<hr/>
		23 39
To balance now due,	5 78	

*Treasurer of Clayton County.*

To Assessment for the year 1844	40 37
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*Treasurer of Scott County.*

To Assessment for the year 1844,	199 33	
By County Treasurer's commission on \$199 33,		9 97
“ Travelling fees,		5 20
“ Balance due Scott county, 6th Dec. 1843 as per report,		10 00
“ Territorial Treasurer's rect. 12th May 1845,		174 16
	<hr/>	<hr/>
	199 33	199 33

*Treasurer of Jones County.*

To Assessment for the year 1844,	31 27	
By Territorial Treasurer's receipt,		29 71
“ County Treasurer's commission on \$31 27		1 56
	<hr/>	<hr/>
	31 27	31 27

*Treasurer of Jefferson County.*

To Assessment for the year 1844,	226 31	
By delinquent list,		50 85
“ County Treasurer's commission on 175 46		8 77
“ Travelling fees,		6 00
“ Territorial Treasurer's rect. 12th May 1845,		160 69
	<hr/>	<hr/>
	226 31	226 31



	Dr.	Cr.
<i>Treasurer of Keokuk County.</i>		
	\$ cts.	\$ cts.
To Assessment for the year 1844,	18 01	
By territorial treasurer's rect. 12th May 1845,		15 51
“ Delinquent list,		1 66
“ County treasurer's commission on \$16 35,		84
	<hr/> 18 01	<hr/> 18 01

<i>Treasurer of Des Moines County.</i>		
To Assessment for the year 1844,	702 21	
<i>Treasurer of Washington County.</i>		
To Assessment for the year 1844,	130 70	
By territorial treasurer's receipt,		93 00
To balance now due,	<hr/> 37 70	

<i>Treasurer of Linn County.</i>		
To assessment for the year 1844,	94 06	
By territorial treasurer's receipt,		12 00
To balance now due,	<hr/> 82 06	

<i>Treasurer of Jackson County.</i>		
To Assessment for the year 1844,	80 67	
By territorial treasurer's receipt,		40 00
To balance now due,	<hr/> 40 67	

<i>Treasurer of Louisa County.</i>		
To Assessment for the year 1844,	198 36	

<i>Treasurer of Delaware County.</i>		
To Assessment for the year 1844,	20 01	

<i>Treasurer of Cedar County.</i>		
To Assessment for the year 1844.	106 22	
By delinquent list,		9 75
“ County treasurer's commission on 96 47,		4 82
“ Travelling fees,		2 50
“ Territorial treasurer's rect. 12th May '45,		89 15
	<hr/> 106 22	<hr/> 106 22



Dr. Cr.

*Treasurer of Wapello County.*

	\$	cts.	\$	cts.
To Assessment for the year 1844,	41	68		
By Territorial Treasurer's rect. 12th May 1845,			30	00
" Delinquent list,			7	53
			<hr/>	
			37	53

To balance now due, 4 15

*Treasurer of Lee County.*

To Assessment for the year 1844,	624	97		
By delinquent list,			127	62
" County Treasurer's commission on \$497 35			24	86
" Travelling fees,			8	00
" Territorial Treasurer's receipt,			499	51
			<hr/>	
			659	99
By balance as appears upon the books,			<hr/>	
			35	02

*Treasurer of Johnson County.*

To Assessment for the year 1844,	219	35		
By Territorial Treasurer's rect. 12th May 1845,			65	17
To balance now due,	154	18		

*Treasurer of Dubuque County.*

By Territorial Treasurer's rect. May 12th 1845,	115	50		
" Travelling fees,			8	60
" County Treasurer's commission on \$130 63			6	53
			<hr/>	
			130	63

*Treasurer of Van Buren County.*

By Territorial Treasurer's rect. 12th May 1845,	421	52		
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The abstracts of the assessments for the year 1844 have not been sent up to this office from the two last mentioned counties. From the amount of the assessments in those two counties for the preceding year, I am inclined



	Dr.	Cr.
	\$ cts.	\$ cts.
to believe, that, when the abstracts for 1844 shall be charged, and the delinquent lists credited, the accounts will about balance.		
<i>Recapitulation of amount due on new Accounts for 1844.</i>		
Due from Muscatine county,	103 68	
" " Clinton county,	46 43	
" " Mahaska county,	23 33	
" " Davis county,	5 78	
" " Clayton county,	40 37	
" " Des Moines county,	702 21	
" " Washington county,	37 70	
" " Linn county,	82 06	
" " Jackson county,	40 67	
" " Louisa county,	198 36	
" " Delaware county,	20 01	
" " Wapello county,	4 15	
" " Johnson county,	154 18	
	<hr/>	
	1458 93	
Due upon old accounts,	3474 07	
	<hr/>	
	4933 00	
Amount over paid by Lee county deducted,	35 02	
	<hr/>	
Total amount of resources,	4897 98	
Amount of liabilities now outstanding,		12815 91
		<hr/>
Excess of liabilities above resources,		7917 93
		<hr/>
All of which is most respectfully submitted by		
	WM. L. GILBERT,	
	Auditor of Public Accounts.	

On motion of Mr. M'Cleary,

Ordered, That the Report be referred to the Committee on Ways and Means.

On motion of Mr. Taylor,

Ordered, That the usual number of copies be printed.



No. 12, C. File, "A Bill to provide for taking the Census of Iowa Territory, and for the re-apportionment of the Legislative Assembly;"

Was read a second time; and,

On motion of Mr. Sheledy,

Referred to a Committee of the Whole House and made the order of the day for Monday next.

No. 21, C. File, "A Memorial to Congress, for the purpose of obtaining a grant of Land for the improvement of the Des Moines river;"

Was read a second time ;

Mr. Hancock made a motion,

To refer it to the Committee on Internal Improvements.

Mr. Downey made a motion,

To refer it to a select Committee;

Which was agreed to.

Messrs Downey, Hancock, and Johnson, were appointed said Committee.

No. 22, C. File, "A Bill to provide for the payment of the expenses of the Convention, which assembled in Iowa City on the 1st Monday of October, A. D. 1844, to frame a Constitution for the future State of Iowa;"

Was read a second time ; and,

On motion of Mr. McCleary,

Laid upon the table.

No. 35, H. R. File, "A Bill amendatory of an act, entitled, 'An act concerning costs, and fees,' 'Approved Feb. 11th, 1843;'"

Was read a second time ; and,

On motion of Mr. Johnson,

Referred to a Committee of two members from each Judicial District.

Messrs. Johnson, Munger, Downey, McCleary, Coy, and Murdock, were appointed said Committee.

No. 30, H. R. File, "A Joint Resolution, in regard to seals."

Was read a third time ; and passed.

Ordered, That the Council be informed thereof.

No. 2, C. File, "A Bill to amend an act, entitled, 'An act to provide for the partition of Real property,'"

Was read a third time, passed, and title agreed to.

Ordered, That the Council be informed thereof.



No. 34, H. R. File, A Bill authorizing the construction of slopes in mill dams in Skunk River ;"

Was read a third time ; and,

On motion of Mr. Johnson,

Laid upon the table.

No. 32, H. R. File, "A Bill to postpone the election of Members of the House of Representatives of the Territory of Iowa, from August until April,"

Was read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 9, H. R. File, "A Bill to amend an act, entitled, 'An act amendatory of an act, to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings,' 'Approved Feb. 12th, 1844,'"

Was read a first time.

Mr. Sheledy made a motion,

To lay the Bill on the table, until the 4th day of July next ;

Which was decided in the affirmative,

Yeas 15, Nays 7.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Banks, Chandler, Clifton, Downey, Hancock, Harper, Huner, Lester, Montague, Noble, Sheledy, Stewart, Wilson, and Woodworth.

Those who voted in the negative, are

Messrs. Coy, Johnson, McCleary, Murdock, Robertson, Taylor, and Morgan, Speaker.

Mr. Wilson, made a motion,

To take from the table,

No. 11, C. File, A Bill to make valid in law the acts of Joseph A. Reynolds a Justice of the Peace in and for the County of Buchanan."

Which was decided in the affirmative,

The Bill was then read a second time ;

On motion of Mr. Wilson,

Ordered, That the 42nd rule be suspended, and the Bill be read a third time now,

The Bill was read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.



The following Message was then received from the Council by J. F. Kinney their Secretary.

MR. SPEAKER :

I am directed to inform the House, that the Council have passed—

No. 18, C. File, "A Bill to submit to the people a draft of a Constitution framed by the late Convention."

Also,

No. 25, C. File, "A Bill to organize and decipline the Militia.

In which the concurrence of the House is requested.

The Council have indefinitely postponed—

No. 4, H. R. File, "A Bill to prohibit and punish the sale of intoxicating liquors to the Indians;"

The Council have appointed Messrs. Summers and Abbe a Committee of Conference, to confer with a similar Committee appointed on the part of the House, relative to the disagreeing vote of the two Houses, upon

No. 15, C. File, "A Bill to abolish the Office of Territorial Agent,"

The Council have unanimously passed,

No. 37, H. R. File, "Joint Resolutions expressive of the respect of the two Houses, to the memory of the late Honorable James Leonard, a member of the House of Representatives from the County of Jackson."

The Council have appointed Messrs. Brierly and Lefler a Committee on the part of the Council, to act with a similar Committee appointed on the part of the House, in superintending the funeral of the Honorable James Leonard, deceased.

And then he withdrew.

Mr. Sheledy made the following report :—

"The joint Committee of the two Houses, appointed to confer on the disagreement of the two Houses, in regard to the salary of the Treasurer, for the performance of the duties of Territorial Agent, have agreed to recommend to their respective Houses, to so amend the Bill, as to allow the Treasurer one hundred and twenty-five dollars for such services.

No. 18, C. File, "A Bill to submit to the people the draft of a Constitution framed by the late Convention,"

And,

No. 25, C. File, "A Bill to organize and discipline the Military of this Territory."

Were read a first time.



On motion of Mr. Johnson,  
Ordered, That the House do now adjourn until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

Mr. Johnson made a motion.

That the report of Mr. Sheledy from the Committee of Conference, in regard to the salary of the Treasurer, for performing the duties of Territorial Agent, be taken from the table.

Which was decided in the affirmative.

The Report was then concurred in.

Ordered That the Clerk acquaint the Council therewith.

On motion of Mr. Harper,

Ordered, That this House do now adjourn, until 10 o'clock on Monday morning next.

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## MONDAY MORNING, 10 O'CLOCK,

**May the 26, A. D. 1845.**

Mr. Sheledy presented the petition of J. W. Snelson and 231 others, praying the Legislature to relocate the Seat of Justice of Keokuk County ;

Also,

The remonstrance of S. A. Jones and two hundred and forty-one others, on the same subject ; which,

On motion of Mr. Sheledy,

Were referred to a select Committee.

The Chair appointed Messrs. Sheledy, McCleary, Clifton, Downey, and Harper said Committee.

Mr. Banks presented the remonstrance of Edward E. Fay and various other citizens of Muscatine County, remonstrating against any change in the name of the town of Bloomington ; which,

On motion of Mr. Banks,

Was referred to a select Committee of five.

Messrs. Banks, Robertson, Downey, McCleary, and Johnson, were appointed said Committee.

Mr. Munger presented the petition of James Wamsley and various



others, praying the Legislature to relocate a certain Territorial road; which,

On motion of Mr. Munger,  
Was referred to a select Committee.

Messrs. Munger, Hancock, and Harper were appointed said Committee.

On motion of Mr. Munger,  
Mr. Woodworth was added to said Committee.

Mr. Murdock gave notice, that he would, on to-morrow or some future day, ask leave to introduce,

A Bill to amend an act, entitled, "an act to regulate the institution of suits by foreign executors, administrators, and guardians within this Territory."

Mr. McCleary gave notice that he would, on to-morrow or some future day, ask leave to introduce,

A Bill amendatory of "An act to provide for changing the venue in civil and criminal cases," "Approved 13th Feb. 1843."

Mr. Noble gave notice, that, on to-morrow or some future day, he would ask leave to introduce,

A Bill to amend the 13th Section of "An act concerning water crafts, and the taking up of estray animals."

Mr. Taylor, from the Committee on engrossed bills, reported—

No. 36, H. R. File, "A Bill to regulate fees of Sheriffs and Constables, in attendance on the District Courts;"

As correctly engrossed.

Mr. Lester having given previous notice, and upon leave being granted, introduced,

No. 40, H. R. File, "A Bill for the organization of the County of Iowa."

Which was read a first time.

Mr. Chandler, having given previous notice, and upon leave being granted, introduced,

No. 41, H. R. File, "A Bill to relocate a part of the Territorial road, running from Burlington via Fort Madison, to the bridge on Sugar Creek in Lee county."

Which was read a first time.

Mr. Munger, from the Committee on enrolled Bills, reported as correctly enrolled,

"An act to prevent the destruction of Notices, Advertisements, &c.;"

And,

"An act to amend an act, entitled, An act to vacate a part of the



Town plat of Port Allen, and to legalize the relocation of a part of a Territorial road, 'Approved Feb. 13th, 1843.' "

Which were signed by the Speaker of the House of Representatives.

Mr. Sheledy having given previous notice, and upon leave being granted, introduced,

No. 42, H. R. File, "A Bill to amend an act, entitled, "An act for opening and regulating Roads and Highways;"

Which was read a first time.

Mr. Robertson, having given previous notice, and upon leave being granted, introduced,

No. 43, H. R. File, "A Bill to incorporate the Scott county Hydraulic Company;"

Which was read a first time.

The following Message was received from the Council, by J. F. Kinney their Secretary.

MR. SPEAKER,

I am directed to inform the House, that the Council have passed—

No. 26, C. File, "A Bill to authorise James Davis to keep a Ferry across the Mississippi River;"

Also,

No. 29, C. File, "A Bill to amend an act, entitled, 'An act to establish the time of holding the District Courts in the several Judicial Districts in this Territory,' 'Approved 12th Feb. 1844;'"

Also,

No. 32, C. File, "Joint Resolutions providing that the Maps voted for the use of the Legislative Assembly be distributed among the different counties;"

Also,

No. 31, C. File, "A Bill to authorize Hugh Nieper, to establish and keep a Ferry at the town of Belview in the County of Jackson Iowa Territory."

In which the concurrence of the House is requested,

The Council have passed with amendments,

No. 24, H. R. File, "A Bill to empower the Commissioners of Delaware County, to levy a tax not exceeding one per cent for the period of two years, to defray the expenses of said County."

The Council have indefinitely postponed,

No. 10, H. R. File, "A bill to amend an act, entitled, 'An act for the improvement of sheep;'"

The Council have agreed to the report of the Joint Committee of Conference in relation to the amendment made to—



No. 15, C. File, "A Bill to abolish the Office of Territorial Agent,"

And have amended the Bill by inserting one hundred and twenty-five dollars.

I herewith present for your signature—

"An act to establish a Territorial road from Marion in Linn county, to the Indian Boundary in a direct line to Fort Atkinson,"

Also,

"An act to abolish the office of Territorial Agent."

I herewith return you—

"An act to legalize the acts of Charles E. Bensil, former Recorder of Deeds in the County of Clayton ;"

Also,

"An act to amend an act, entitled, 'An act regulating practice in the District Courts in the Territory of Iowa,' 'Approved Feb. 10th, 1843 ;' "

Both of which have been signed by the President of the Council.

And then he withdrew.

The said acts presented therefor, were signed by the Speaker of the House of Representatives.

Mr. Stewart, having given previous notice, and upon leave being granted, introduced,

No. 44, H. R. File, "A Bill to relocate the Seat of Justice of Lee county ;"

Which was read a first time.

Mr. Snyder having given previous notice, and upon leave being granted, introduced,

No. 45, H. R. File, "A Bill to amend an act, entitled, 'An act to provide for the support of illegitimate children ;' "

Which was read a first time.

No. 31, C. File, "A Bill to authorize Hugh Nieper, to establish and keep a Ferry at the town of Bellview in the County of Jackson, Territory of Iowa."

No. 26, C. File, "A Bill to authorise James Davis to keep a Ferry across the Mississippi River ;"

And,

No. 29, C. File, "A Bill to amend an act, entitled, 'An act to establish the time of holding the District Courts in the several Judicial Districts in this Territory,' 'Approved 12th Feb. 1844 ;' "

Were severally read a first time.

No. 32, C. File, "Joint Resolution providing that the Maps



voted for the use of the Legislative Assembly be distributed among the different counties ;”

Was read a first time.

On motion of Mr. Robertson,

The 42nd rule was suspended, and the Resolution read a second time.

Mr. Morgan made a motion,

To strike out the words, “Legislative Assembly,” wherever they occur, and insert instead thereof, the word, “Council ;”

Which was decided in the affirmative.

On motion of Mr. Hancock,

The 42nd rule was suspended, the Resolution read, a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 24, H. R. File, “A Bill to empower the County Commissioners of Delaware and Linn Counties, to levy a tax not exceeding one per cent. for the period of two years, to defray the expenses of said County.”

Was read a second time ; and,

On motion of Mr. Taylor,

Ordered, To be laid on the table.

No. 38, H. R. File, “A Bill to legalize the acts of William Foster, an acting Justice of the Peace.”

Was read a second time ; and,

On motion of Mr. Downey,

The 42nd rule was suspended, the Bill read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 39, H. R. File, “A Bill amendatory of ‘An act to authorize evidence by the oath of the parties,’ ”

Being the order of the day,

Was considered in Committee of the Whole House, Mr. Wilson in the Chair ;

And after some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Wilson reported the Bill back to the House without amendment.

Mr. Downey made a motion,

To refer the Bill to a select Committee ;

Which was decided in the negative.

Mr. Murdock made a motion,

To refer the Bill to the Committee on the Judiciary ;

Which was decided in the affirmative,



No. 20, C. File, "A Bill to amend 'An act defining the duties of County Surveyors,' 'Approved Feb. 9th, 1843,' "

Was read a second time; and,

On motion of Mr. M'Cleary,

Ordered, To be read a third time to-morrow.

No. 24, C. File, "Joint Resolution providing for the adjournment of the Legislative Assembly."

Was read a second time;

Mr. Murdock made a motion,

To refer the Bill to the Committee on the Judiciary;

Which was decided in the negative.

Mr. Hancock made a motion,

To lay the Bill on the table;

Which was decided in the affirmative.

No. 18, C. File, "A Bill to submit to the people the draft of a Constitution framed by the late Convention,"

Was read a second time,

Mr. Murdock made a motion,

That the Bill be made the order of the day for Monday next,

Which was decided in the negative.

On motion of Mr. Robertson,

Ordered, That the Bill be made the order of the day for Thursday next.

No. 25, C. File, "A Bill to organize and discipline the Militia of this Territory."

Was read a second time;

Mr. Murdock made a motion,

That the Bill be indefinitely postponed,

Mr. Banks made a motion,

That the Bill be referred to the Committee on Military Affairs;

Which was decided in the negative.

Mr. Wilson made a motion,

That the Bill be made the order of the day for to-morrow,

Which was decided in the negative.

The question then recurred on Mr. Murdock's motion, and,

Was decided in the affirmative.

Yeas 16, Nays 8.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are



Messrs. Clifton, Coy, Downey, Hancock, Harper, Johnson, Lester, Montague, Munger, Murdock, Noble, Sheledy, Snyder, Stewart, Taylor, and Woodworth.

Those who voted in the negative, are

Messrs. Anderson, Banks, Chandler, Huner, McCleary, Robertson, Wilson, and Morgan, Speaker.

On motion of Mr. Morgan,

Ordered, That the House do now adjourn until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

No. 36, H. R. File, "A Bill to regulate the fees of Sheriffs and Constables in attendance on District Courts,"

Was read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 12, C. File, "A Bill to provide for taking the Census of Iowa Territory, and for the re-apportionment of the Legislative Assembly;"

Being the order of the day ;

Was considered in Committee of the Whole House ; Mr. Hancock in the Chair ;

And after some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Hancock reported the same back to the House with one amendment ;

Which was agreed to.

On motion of Mr. Hancock, it was

Ordered, That the Bill be laid on the table.

No. 5, H. R. File, "A Bill to lease the Iowa Penitentiary ;"

Being the order of the day,

Mr. Stewart made a motion,

That the Bill be indefinitely postponed,

Which was decided in the affirmative.

On motion of Mr. Sheledy,

Ordered, That

No. 34, H. R. File, A Bill authorizing the construction of slopes in mill dams in Skunk River ;"

Be taken from the table and read a third time ;

The Bill was so read, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Taylor,

No. 24, H. R. File, "A Bill to empower the County Commission-



ers of Delaware and Linn Counties to levy a tax not exceeding one per cent. for the period of two years ;”

Was taken from the table,

And the amendments made by the Council agreed to.

Mr. Taylor made a motion,

To reconsider the vote taken on the indefinite postponement of No. 25, C. File, “A Bill to organize and discipline the Militia of Iowa Territory,”

Which was decided in the affirmative,

Yeas 18, Nays 7.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Banks, Chandler, Coy, Davis, Downey, Harper, Huner, Lester, McCleary, Murdock, Noble, Robertson, Snyder Stewart, Taylor, Wilson, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Clifton, Hancock, Johnson, Montague, Munger, Sheledy, and Woodworth.

On motion of Mr. Banks,

Ordered, That the Bill be referred to the Committee on Military Affairs.

On motion of Mr. Banks,

Ordered, That Mr. McCleary be added to the Committee on Military Affairs, as Chairman of said Committee.

Mr. Wilson, made a motion,

To reconsider the vote taken on Saturday last, upon the motion made by Mr. Sheledy to lay upon the table until the 4th day of July next.

No. 9, H. R. File, “A Bill to amend an act, entitled, ‘An act amendatory of, an act to provide for the election of Justices of the Peace, to prescribe their duties and powers, and to regulate their proceedings,’ ‘Approved Feb. 14th, 1844;’ ”

Which was decided in the negative.

Yeas 11, Nays 14.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Chandler, Coy, Davis, Johnson, McCleary, Noble, Robertson, Snyder, Taylor, Wilson, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Anderson, Banks, Clifton, Downey, Hancock, Harper, Huner, Lester, Montague, Munger, Murdock, Sheledy, Stewart, and Woodworth.



Mr. Banks presented the petition of R. P. Phelps and twenty-seven other citizens of Muscatine County, in addition to the former petition on the same subject, praying the Legislature to prohibit any person from ferrying across the Mississippi River without license ; which,

On motion of Mr. Banks,

Was referred to the Committee on Roads and Highways.

Mr. Clifton made a motion,

That the House do now adjourn,

Which was decided in the affirmative,

Yeas 20, Nays 5.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Banks, Clifton, Coy, Davis, Downey, Harper, Huner, Johnson, Lester, McCleary, Munger, Noble, Robertson, Sheledy, Snyder, Stewart, Taylor, Woodworth, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Chandler, Hancock, Montague, Murdock, and Wilson.

So the House adjourned until 10 o'clock to-morrow morning.

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## TUESDAY MORNING, 10 O'CLOCK,

May the 27, A. D. 1845.

Mr. Downey, from the Committee to whom the subject was referred, made the following report :

The select Committee, to whom was referred—

No. 21, C. File, "A Memorial to Congress, for the purpose of obtaining a grant of Land for the improvement of the Des Moines river ;"

Have examined the same and now move, that the Memorial be referred to the Committee on Internal Improvements.

The question, was then put,

"Shall the Bill be so committed?"

And decided in the affirmative.

Mr. Sheledy having given previous notice, and upon leave being granted, introduced,



No. 46, H. R. File, "A Bill to relocate the Seat of Justice of Keokuk County."

Which was read a first time.

Mr. Robertson, from the Committee on claims to whom the subject was referred, made the following report:

"The Committee on claims, to whom was referred the account of William Green for pressing in sheets and binding 2500 Session Laws of Iowa, for the Session of 1843-'44 at 14 cts.

\$350 00

On which there is a credit of

200 00

Have had the same under consideration, and beg leave to report, that they have thoroughly examined it, and are in favor of allowing him

300 00

Your Committee therefore recommend the adoption of the following:

"Resolved, That the sum of one hundred dollars be allowed William Greene, and that the Secretary be authorized to pay the same, out of any monies now in his hands not otherwise appropriated."

Mr. Snyder, from the same Committee, submitted the following minority report:

"The minority of the Committee on claims, to whom was referred the claim of William Green for binding 2500 copies of the laws of 1843-'44, beg leave to report, that they are compelled to differ in their judgment, from the majority of the Committee on the claim of said Green. According to the view of the minority, the Secretary of the Territory in the matter of the printing and distributing the laws of that Session, was the executive officer of the Legislative Assembly, and according to his statements, and a Bill rendered to him by Mr. Green, \$250 was the amount charged for the work of Mr. Green, on which amount as appeared on the face of the bill, was paid \$200 by the Secretary; leaving a balance of \$50 due Mr. Greene, which they suppose to be justly due him. The minority of the Committee cannot see any good reason to increase the amount over the Bill once presented to the Secretary, and would therefore respectfully recommend, that he be allowed fifty dollars, as a full payment of the balance of his claim.

JOS. K. SNYDER,  
A. T. BANKS."

Mr. Sheledy made a motion,

That the Resolution be laid upon the table;

Which was decided in the negative.

Mr. Montague made a motion,

To reconsider the vote upon Mr. Sheledy's motion;

Which was decided in the negative.



Mr. Johnson made a motion,

That the further consideration of the Resolution be postponed until this afternoon ;

Which was decided in the affirmative.

Mr. Murdock from the Committee on the Judiciary, reported—

No. 39, H. R. File, "A Bill amendatory of 'An act, to authorize evidence by oath of parties,' 'Approved 29th Jan. 1843,' " without amendment.

Mr. Munger, from the Committee on enrolled Bills, reported as correctly enrolled,

"An act to amend an act, entitled, 'An act to provide for Assessing and Collecting Public Revenue,' 'Approved Feb. 15th, 1844;'"

Mr. Munger, from the select Committee to whom was referred the petition of Samuel Parker, reported,

No. 47, H. R. File, "A Bill for the relief of Samuel Parker ;"

Which was read a first time.

The following Message was received from the Council, by J. F. Kinney their Secretary.

MR. SPEAKER,

I am directed to inform the House, that the Council have passed—

No. 9, C. File, "A Bill to amend an act, entitled, 'An act allowing, and regulating writs of Attachment.'"

In which the concurrence of the House is requested,

The Council have passed with amendments,

No. 1, H. R. File, "A Bill to Incorporate the University of Iowa."

Also,

No. 13, H. R. File, "A Bill to amend an act, entitled, 'An act to encourage the destruction of Wolves ;' 'Approved January 7th, 1840.'"

The Council have concurred in the amendments of the House, to

No. 32, C. File, "A Joint Resolution providing that the Maps voted for the use of the Legislative Assembly, be distributed among the different Counties."

The Council have passed without amendments—

No. 19, H. R. File, "A Bill to incorporate and establish the City of Burlington, and for revising and repealing all laws and parts of laws heretofore enacted on that subject,"

And then he withdrew,

Mr. Taylor, having given previous notice, and upon leave being granted, introduced,



No. 48, H. R. File, "A Bill to amend 'An act, to punish for trespass on School lands,' 'Approved Jan. 17, 1840.'"

Which was read a first time.

Mr. M'Cleary, having given previous notice, and upon leave being granted, introduced,

No. 49, H. R. File, "A Bill amendatory of 'An act to provide for changing the venue in civil and criminal cases,' 'Approved 13th Feb. 1843;'"

Which was read a first time.

Mr. Noble, having given previous notice, and upon leave being granted, introduced,

No. 50, H. R. File, "A Bill to amend an act, entitled, 'An act concerning water crafts found adrift, lost goods, and estray animals;'"

Which was read a first time.

No. 9, C. File, "A Bill to amend an act, entitled, 'An act allowing, and regulating writs of Attachment.'"

Was read a first time.

No. 1, H. R. File, "A Bill to Incorporate the University of Iowa;"

Being returned from the Council with several amendments, was taken up, and the amendments were severally agreed to.

No. 13, H. R. File, "A Bill to amend an act, entitled, 'An act to encourage the destruction of Wolves;' 'Approved January 7th, 1840.'"

Being returned from the Council with amendments, was taken up and the amendments agreed to.

No. 19, H. R. File, "A Bill to incorporate and establish the City of Burlington, and for revising and repealing all laws and parts of laws heretofore enacted on that subject,"

Was returned from the Council with one amendment, which was agreed to.

No. 40, H. R. File, "A Bill for the organization of the County of Iowa."

Was read a second time; and,

On motion of Mr. McCleary,

Referred to a Committee of the Whole House and made the order of the day for to-morrow.

No. 41, H. R. File, "A Bill to relocate a part of the Territorial road, running from Burlington via Fort Madison, to the bridge on Sugar Creek in Lee county."

Was read a second time; and,



On motion of Mr. Chandler,

Ordered, That the Bill be engrossed and read a third time to-morrow.

No. 42, H. R. File, "A Bill to amend an act, entitled, "An act for opening and regulating Roads and Highways ;"

Was read a second time; and,

On motion of Mr. Sheledy,

Ordered, That the Bill be engrossed and read a third time to-morrow,

No. 43, H. R. File, "A Bill to incorporate the Scott county Hydraulic Company ;"

Was read a second time; and,

On motion of Mr. M'Cleary,

Ordered, To be referred to a select Committee of five.

Messrs. McCleary, Robertson, Davis, Munger, and Banks, were appointed said Committee.

No. 44, H. R. File, "A Bill to relocate the Seat of Justice of Lee county ;"

Was read a second time; and,

On motion of Mr. Johnson,

Ordered, To be referred to the delegation from Lee County.

No. 45, H. R. File, "A Bill to amend an act, entitled, 'An act to provide for the support of illegitimate children;'"

Was read a second time; and,

On motion of Mr. Wilson,

Referred to the Committee on the Judiciary.

No. 26, C. File, "A Bill to authorise James Davis to keep a Ferry across the Mississippi River ;"

Was read a second time; and

On motion of Mr. Banks,

Referred to a select Committee, of three

Messrs. Banks, Snyder, and Downey, were appointed said Committee.

No. 29, C. File, "A Bill to amend an act, entitled, 'An act to establish the time of holding the District Courts in the several Judicial Districts in this Territory,' 'Approved 12th Feb. 1844 ;'"

Was read a second time; and,

On motion of Mr. Sheledy,

Referred to a select Committee of three.

Messrs. Sheledy, Robertson, and Downey were appointed said Committee.



No. 31, C. File, "A Bill to authorize Hugh Nieper, to establish and keep a Ferry at the town of Bellview in the County of Jackson, Territory of Iowa."

Was read a second time; and,

On motion of Mr. Davis,

Ordered, To be referred to a select Committee.

Messrs. Davis, Coy, and Wilson, were appointed said Committee.

No. 20, C. File, "A Bill to amend 'An act defining the duties of County Surveyors,' 'Approved Feb. 9th, 1843,'"

Was read a third time; and,

On motion of Mr. Davis,

Ordered, To be laid on the table.

No. 22, C. File, "A Bill to provide for the payment of the expenses of the Convention, which assembled in Iowa City on the 1st Monday of October, A. D. 1844, to frame a Constitution for the future State of Iowa;"

Was,

On motion of Mr. McCleary,

Taken from the table and read a second time.

On motion of Mr. McCleary,

Ordered, That the Bill be read a third time to-morrow.

On motion of Mr. Murdock,

Ordered, That the House do now adjourn until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

The Resolution recommended by the Committee on Claims authorising the Secretary of the Territory, to pay William Green one hundred dollars, was taken up for consideration.

Mr. Robertson moved a call of the House.

Messrs. Davis and Downey were absent.

Messrs. Davis and Downey appearing in their seats the further call of the House was dispensed with.

Mr. Snyder made a motion,

To amend the Resolution, by striking out the words "one hundred" and inserting instead thereof the word "fifty."

Mr. Wilson called for a division of the question.

The question, being on striking out the words, "one hundred,"

Was decided in the negative.

Yeas 11, Nays 14.

The yeas and nays being demanded by two members,



Those who voted in the affirmative, are

Messrs. Anderson, Banks, Clifton, Coy, Hancock, Lester, Montague, Munger, Sheledy, Snyder, and Taylor.

Those who voted in the negative, are

Messrs. Chandler, Davis, Downey, Harper, Huner, Johnson, McCleary, Murdock, Noble, Robertson, Stewart, Wilson, Woodworth, and Morgan, Speaker.

The question then recurred on the adoption of the Resolution,

Which was decided in the affirmative,

Yeas 16, Nays 9.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Chandler, Davis, Downey, Hancock, Harper, Huner, Johnson, McCleary, Murdock, Noble, Robertson, Sheledy, Stewart, Wilson, Woodworth, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Anderson, Banks, Clifton, Coy, Lester, Montague, Munger, Snyder, and Taylor.

Mr. Johnson, from the Committee to whom it was referred, reported back,

No. 35, H. R. File, "A Bill amendatory of an act, entitled, 'An act concerning costs, and fees,' 'Approved Feb. 11th, 1843;'"

With sundry amendments all of which were agreed to.

Mr. McCleary made a motion,

To strike out the 13th line in the Bill;

Which was decided in the negative.

Mr. Davis made a motion,

To strike out all that part of the Bill, which relates to Clerks of the District Courts; pending which,

Mr. Taylor made a motion,

That the Bill be laid on the table;

Which was decided in the affirmative.

The following Message was then received from the Council by J. F. Kinney their Secretary.

MR. SPEAKER:

I am directed to inform the House, that the Council have passed—

No. 6, C. File, "A Bill to amend an act, entitled an act defining the jurisdiction of the Supreme Court and regulating practice therein."

Also,

No. 27, C. File, "A Bill to amend 'An act, to provide for levying



a tax on real and personal property for road purposes,' 'Approved Feb. 16th, 1842,'"

In which the concurrence of the House is requested.

The Council have also, passed,

No. 25, H. R. File, "A Bill to change the Eastern boundary of the County of Washington;"

Also with amendments,

No. 30, H. R. File, "A Joint Resolution, in regard to seals, for certain counties herein named.

No. 33, H. R. File, "A Bill to declare a certain road therein named a public highway,"

And then he withdrew.

The above Bills were signed by the Speaker of the House of Representatives.

No. 6, C. File, "A Bill to amend an act, entitled, 'An act defining the jurisdiction of the Supreme Court, and regulating the practice therein,'"

And,

No. 27, C. File, "A Bill to amend 'An act to provide for the levying of tax on real and personal property for road purposes,' 'Approved Feb. 16th, 1842.'"

Where read a first time.

No. 30, H. R. File, "A Joint Resolution in regard to seals for certain counties therein named."

Having been returned from the Council passed with an amendment to the title, was taken up and the amendment agreed to.

The following Message was then received from the Council by J. F. Kinney their Secretary.

MR. SPEAKER:

I herewith return you—

"An act to prevent the destruction of Notices, Advertisements, &c.;"

Also,

"An act to amend an act, entitled, 'An act to provide for Assessing and Collecting Public Revenue,'"

Also,

"An act to empower the County Commissioners of Delaware and Linn Counties, to levy a tax not exceeding one per cent. for the period of two years."

The same having been signed by the President of the Council,

And then he withdrew.

On motion of Mr. Munger,

Ordered, That the House do now adjourn until to-morrow morning at 10 o'clock.



WEDNESDAY MORNING, 10 O'CLOCK,

May the 28, A. D. 1845.

Mr. Sheledy presented the petition of 64 citizens of Washington and Keokuk counties, praying for a Territorial road, from section 26 in township 70, to Miles B. Friend's, in Keokuk county; and to vacate a road therein named.

Which was referred to a Committee of three.

Messrs. Sheledy, Harper, and Munger, were appointed said Committee.

Mr. Robertson presented the petition of Sage W. Coy, praying for the privilege of establishing a ferry across the Mississippi river, at the town of Lyons, in the county of Clinton.

Which was referred to a select Committee of three.

Messrs. Robertson, Taylor, and Davis, were appointed said Committee.

Mr. Munger presented the remonstrance of 95 persons, against any change in the road leading from Wilson's Mills, on Skunk river, in Henry county, to Glasgow in Jefferson county.

Which was referred to Messrs. Munger, Hancock, Harper, and Woodworth.

Mr. Wilson presented the petition of 151 persons, praying a charter authorising Charles Onderdonk, to keep a ferry across the Mississippi river at the town of Bellview.

Which was referred to Messrs. Davis, Coy, and Wilson.

Mr. Snyder gave notice that he would, on to-morrow or some future day, ask leave to introduce,

A Bill to amend "An act to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings."

Mr. Downey gave notice that he would, on to-morrow or some future day, ask leave to introduce,

A memorial to Congress, praying for a grant of Land for the improvement of the Iowa river.

Mr. Taylor, from the Committee on engrossed bills, reported—as correctly engrossed.



No. 41, H. R. File, "A Bill to relocate part of the Territorial road running from Burlington *via* Fort Madison, to the Bridge on Sugar Creek in Lee county,"

And,

No. 42, H. R. File, "A Bill to amend an act, entitled, 'An act for opening and regulating Roads and Highways.' "

Mr. Sheledy, to whom was referred,

No. 29, C. File, "A Bill to amend an act, entitled, 'An act to establish the time of holding the District Court, in the several Judicial Districts in this Territory,' 'Approved 12th February, 1844;'"

Reported the same back with an amendment.

Mr. Taylor made a motion,

To lay the report upon the table;

Which was decided in the negative.

On motion of Mr. McCleary,

Ordered, That the question on concurring in the report be postponed until 2 o'clock, P. M.

Mr. McCleary from the Committee to whom was referred,

No. 43, H. R. File, "A Bill to incorporate the Scott County Hydraulic Company."

Reported the same back with one amendment.

Which was agreed to.

On motion of Mr. McCleary,

The Bill was referred to a Committee of the Whole House, and made the order of the day for Friday next.

The following Message was received from the Council, by J. F. Kinney their Secretary.

MR. SPEAKER,

I herewith present for your signature—

"An act to make valid in law, the acts of Joseph A. Reynolds a Justice of the Peace in and for the County of Buchanan."

Also,

"An act to amend an act, entitled, 'An act to provide for the partition of Real property.'"

Also,

"An act to abolish the Office of Territorial Agent,"

Also,

"An act to establish a Territorial road from Marion, in Linn county, to the Indian Boundary in a direct line to Fort Atkinson."

Also,

"Joint Resolution, providing that the Maps voted for the use of the Legislative Assembly be distributed among the different counties."



And then he withdrew.

Said Acts which were severally signed by the Speaker of the House of Representatives.

Mr. Harper, from the Committee on Roads and Highways, made the following report:

"The Committee on Roads and Highways, to whom was referred the petition of sundry citizens, praying for the relocation of a Territorial Road from Dubuque, by way of the Colonies and Ead's grove to Fort Atkinson; also, the petition of sundry persons, praying for the enactment of a law, for opening township roads, and defining the width of the same, have instructed me to report—that they have carefully examined the same, and are of opinion, that it is inexpedient to take any further action on the subject; and beg to be discharged from its further consideration."

On motion of Mr. Murdock,

The report and petitions, were referred to the Delegation from Dubuque and Clayton.

Mr. Murdock, having given previous notice, and upon leave being granted, introduced,

No 51, H. R. File, "A Joint Resolution, instructing our Delegate in Congress, in regard to the Boundaries of the future State of Iowa."

On motion of Mr. Wilson,

The 42nd rule was suspended, and the Resolution read a second time.

On motion of Mr. Sheledy,

Ordered, That the Resolution be referred to a Committee of the Whole House, and made the order for this afternoon.

Mr. Anderson, having given previous notice, and upon leave being granted, introduced,

No. 52, H. R. File, "A Bill to prevent and punish the owners and masters of Steam Boats, committing trespass upon the property of persons living in this Territory, and for other purposes;"

Which was read a first time.

No. 46, H. R. File, "A Bill to relocate the County Seat of Keokuk County."

Was read a second time.

On motion of Mr. Sheledy,

The 42nd rule was suspended, and the Bill read a third time.

On motion of Mr. Downey,

A call of the House was ordered.

Messrs. Huner, Stewart, Munger, and Morgan, were absent.

On motion of Mr. Sheledy,



Ordered, That Messrs. Huner and Stewart, be excused from attendance.

Messrs. Munger and Huner appeared in their seats.

Mr. Downey made a motion,

That the further call of the House be now dispensed with;

Which was decided in the affirmative.

The question, was then put,

"Shall the Bill pass?"

And decided in the affirmative.

Yeas 12, Nays 11.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Clifton, Coy, Downey, Huner, Johnson, Munger, Noble, Robertson, Sheledy, Taylor, and Woodworth.

Those who voted in the negative, are

Messrs. Banks, Chandler, Davis, Hancock, Harper, Lester, McCleary, Montague, Murdock, Snyder, and Wilson.

Mr. Munger, from the Committee on Enrolments, reported that the Committee had presented the following acts, to the Governor for his approval and signature:

"An act to amend an act, entitled, 'An act regulating practice in the District Court, in the Territory of Iowa,' 'Approved Feb. 10, 1843.'"

"An act to amend an act, entitled, 'An act to vacate a part of the Town plat of Port Allen, and to legalize the relocation of a part of a Territorial Road,' 'Approved 13th Feb. 1843.'"

"An act to legalize the acts of Charles E. Bensil, former Recorder of Deeds in the County of Clayton."

"An act to empower the County Commissioners of Delaware and Linn Counties to levy a tax not exceeding one per cent. for the period of two years;"

And,

"An act to prevent the destruction of Notices, Advertisements, &c.;"

On motion of Mr. Noble,

Ordered, That the House do now adjourn until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Sheledy's report on—

No. 29, C. File, "A Bill to amend an act, entitled, 'An act to establish the time of holding the District Courts in the several Judicial Districts in this Territory,' 'Approved 12th Feb. 1844;'"



Being postponed until this hour—was taken up ; and,

On motion of Mr. Downey,

The further consideration thereof, was postponed until to-morrow morning.

No. 47, H. R. File, "A Bill for the relief of Samuel Parker ;"

Was read a second time,

On motion of Mr. Munger,

The 42nd rule was suspended, the Bill read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 48, H. R. File, "A Bill to amend 'An act, to punish for trespass on School lands,' 'Approved Jan. 17, 1840.'"

Was read a second time ; and,

Referred to the Committee on the Judiciary.

No. 49, H. R. File, "A Bill amendatory of 'An act to provide for changing the venue in civil and criminal cases,' 'Approved 13th Feb. 1843 ;'"

Was read a second time ; and,

Referred to the Committee on the Judiciary.

No. 50, H. R. File, "A Bill to amend an act, entitled, 'An act concerning water crafts found adrift, lost goods, and estray animals ;'"

Was read a second time ; and,

Ordered, That the Bill be engrossed and read a third time to-morrow.

No. 9, C. File, "A Bill to amend an act, entitled, 'An act allowing, and regulating writs of Attachment ;'"

Was read a second time ; and,

Referred to the Committee on the Judiciary.

No. 6, C. File, "A Bill to amend an act, entitled, 'An act defining the jurisdiction of the Supreme Court, and regulating practice therein.'"

Was read a second time ; and,

Ordered, To be read a third time to-morrow.

No. 27, C. File, "A Bill to amend 'An act, to provide for levying a tax on real and personal property for road purposes,' 'Approved Feb. 16th, 1842,'"

Was read a second time ; and

On motion of Mr. Sheledy,

Ordered, To be referred to a Committee of the Whole House, and made the order of the day for Saturday next.



No. 39, H. R. File, "A Bill amendatory of 'An act to authorize evidence by the oath of the parties,' 'Approved 20th January, 1843.' "

Was read a second time,

On motion of Mr. Downey,

The 42nd rule was suspended, and the Bill read a third time.

The question being put,

"Shall the Bill pass?"

It was decided in the negative.

Yeas 9, Nays 11.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Chandler, Downey, Johnson, McCleary, Munger, Murdock, Robertson, and Wilson.

Those who voted in the negative, are

Messrs. Anderson, Clifton, Coy, Hancock, Harper, Lester, Montague, Sheledy, Snyder, Taylor, and Woodworth.

Mr. Taylor made a motion,

To reconsider the vote just taken on the passage of the Bill.

On motion of Mr. Murdock,

Ordered, That the motion to reconsider be laid upon the table.

No. 42, H. R. File, "A Bill to amend an act, entitled, 'An act for opening and regulating Roads and Highways.' "

Was read a third time;

The question was then put,

"Shall the Bill pass?"

And decided in the affirmative,

Yeas 16, Nays 4.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Clifton, Coy, Downey, Hancock, Harper, Huner, Lester, McCleary, Montague, Munger, Robertson, Sheledy, Snyder, Taylor, and Woodworth.

Those who voted in the negative, are

Messrs. Chandler, Johnson, Murdock, and Wilson.

The following Message was received from the Council, by J. F. Kinney their Secretary.

MR. SPEAKER,

I am directed to inform the House, that the Council have passed—



No. 34, C. "A Bill to vacate a street in the town of Marion, Linn county."

Also,

No. 35, C. File, "A Bill for the relief of William B. Snyder."

Also,

No. 37, C. File, "A Bill to provide for the election of an additional Justice of the Peace, in the Township of Fort Madison, in the County of Lee."

Also,

No. 38, C. File, A Bill to Incorporate the Bloomington and Iowa City Rail Road Company."

In which the concurrence of the House is requested,

And then he withdrew.

No. 41, H. R. File, "A Bill to relocate a part of the Territorial road, running from Burlington via Fort Madison, to the bridge on Sugar Creek in Lee county."

Was read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 22, C. File, "A Bill to provide for the payment of the expenses of the Convention, which assembled in Iowa City on the 1st Monday of October, A. D. 1844, to frame a Constitution for the future State of Iowa;"

Was read a third time, passed, and title agreed to.

Ordered, That the Council be informed thereof.

No. 40, H. R. File, "A Bill for the organization of the County of Iowa."

Being the order of the day;

Was considered in Committee of the Whole House; Mr. Robertson in the Chair;

And after some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Robertson reported the same back to the House with several amendments;

All of which were agreed to.

Ordered, That the Bill be engrossed, and read a third time tomorrow.

The following Message was then received from the Council by J. F. Kinney their Secretary.

MR. SPEAKER:

I am directed to inform the House, that the Council have passed—

No. 41, C. File, "A Bill to divorce Amelia Scanlin from her husband Thomas Scanlin.



In which the concurrence of the House is requested.

And then he withdrew.

No 51, H. R. File, "A Joint Resolution, instructing our Delegate in Congress, in regard to the Boundaries of the future State of Iowa;"

Being the order for 2 o'clock P. M. of this day,

Was considered in Committee of the Whole House; Mr. Sheledy in the Chair;

And after some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Chairman reported the Resolution back to the House without amendment.

Mr. Wilson, made a motion,

To amend the resolution, by striking out the word, "them," and inserting instead thereof the word, "Congress,"

Which was agreed to.

On motion of Mr. Wilson,

The 42nd rule was suspended, and the Resolution read a third time.

Mr. Sheledy made a motion,

To indefinitely postpone the further consideration of the Resolution.

Which was decided in the negative.

Yeas 7, Nays 15.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Clifton, Coy, Munger, Robertson, Sheledy, and Woodworth.

Those who voted in the negative, are

Messrs. Banks, Chandler, Davis, Downey, Hancock, Harper, Huner, Johnson, Lester, McCleary, Montague, Murdock, Snyder, Taylor, and Wilson.

The question was then put,

"Shall the Resolution pass?"

And decided in the affirmative.

Yeas 16, nays 6.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Chandler, Coy, Davis, Downey, Hancock, Harper, Huner, Johnston, Lester, McCleary, Montague, Murdock, Snyder, Taylor, and Wilson.

Those who voted in the negative, are

Messrs. Anderson, Clifton, Munger, Robertson, Sheledy, and Woodworth.



On motion of Mr. Banks,

Ordered, That the House do now adjourn until to-morrow morning at 10 o'clock.

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THURSDAY MORNING, 10 O'CLOCK,

May the 29, A. D. 1845.

Mr. Munger, from the Committee on enroled Bills, reported the following acts as having been approved by the Governor :

"An act to empower the County Commissioners of Delaware and Linn Counties, to levy a tax not exceeding one per cent. for the period of two years."

"An act to amend an act, entitled, 'An act regulating practice in the District Courts in the Territory of Iowa,' 'Approved Feb. 10, 1843.

"An act to amend an act, entitled, 'An act to vacate a part of the town plat of Port Allen, and to legalize the relocation of a part of a Territorial road,' 'Approved Feb 13, 1843.' "

"An act to amend an act, entitled, 'An act to provide for Assessing and Collecting Public Revenue,' 'Approved Feb. 15, 1844.' "

"An act to legalize the acts of Charles E. Bensil, former Recorder of Deeds in the County of Clayton."

And,

"An act to prevent the destruction of Notices, Advertisements, &c."

Mr. McCleary made a motion,

To take from the table, the motion of Mr. Taylor to reconsider the vote taken on the passage of

No. 39, H. R. File, "A Bill amendatory of 'An act, to authorize evidence by the oath of parties,' 'Approved 20th Jan. 1843,' "

Which was decided in the affirmative.

The question was then put,

"Shall the vote be reconsidered?"

And decided in the affirmative.

On motion of Mr. Snyder,

The Bill was recommitted to a select Committee, of three;

Messrs. Snyder, McCleary, and Sheledy, were appointed said Committee.



Mr. Johnson made a motion,

To reconsider the vote taken on the passage of  
No. 46, H. R. File, "A Bill to relocate the County Seat of Keokuk County."

Which was decided in the negative.

Yeas 11, Nays 12.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Chandler, Davis, Huner, Lester, McCleary, Montague, Murdock, Snyder, Wilson, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Anderson, Clifton, Coy, Downey, Hancock, Harper, Johnson, Noble, Robertson, Sheledy, Taylor, and Woodworth.

Mr. Downey presented the petition of sixty-two persons, praying for the establishment of a road from Iowa City to Bloomington.

Which was referred to the Committee on Roads and Highways,

Mr. Downey, having given previous notice, and upon leave being granted, introduced,

No. 53, H. R. File, "Memorial to Congress, for the purpose of obtaining a grant of Land for the improvement of the Iowa river ;"

Which was read a first time.

Mr. Taylor, from the Committee on engrossed bills, reported—as correctly engrossed,

No. 50, H. R. File, "A Bill to amend an act, entitled, 'An act concerning water crafts found adrift, lost goods, and estray animals;'"

Mr. McCleary, from the Committee on Way and Means, submitted the following report :

"The Committee of Ways and Means, to whom was referred a Resolution of the House, instructing the Committee to inquire into the expediency of levying a tax, of one mill per cent, on the amount of taxable property, both real and personal, returned by the township and precinct assessors for Territorial purposes—have according to order had the same under consideration, and have instructed me to report, that the Committee are of the opinion that it would be inexpedient to increase the taxes at this time: your Committee, therefore, beg leave to be discharged from the further consideration of the subject."

Which was concurred in.

Mr. McCleary from the Committee on Ways and Means, submitted, also, the following report :

"The Committee on Ways and Means, to whom was referred the account of Wm. Crum, for publishing the Governor's Proclamation, declaring the result of the election for and against a Convention, have



had the same under consideration, and have instructed me to make the following report :

Your Committee, as soon as said account was referred to them, addressed a note to Mr. Crum, inquiring by what authority he had published said Proclamation, so as to entitle him to pay for the same; and have subsequently received an answer from Mr. Crum, stating that he founded his charge upon the latter clause of the 8th section of the "Act providing for the expression of the opinion of the people of the Territory, upon the subject of forming a State Government," in these words, "who shall issue his proclamation declaring the result." Your Committee are clearly of the opinion, that nothing in said act can be so construed, as to allow pay to any person for publishing said Proclamation, unless specially authorized by the Governor to publish the same; and as Mr. Crum does not claim to have been so authorised, your Committee have come to the conclusion, that his account ought not to be allowed. Your Committee would, therefore, respectfully ask to be discharged from the further consideration of the subject;"

Which was concurred in.

Mr. Johnson from the select Committee to whom was referred No. 49, H. R. File, "A Bill amendatory of 'An act to provide for changing the venue in civil and criminal cases,' 'Approved 13th Feb. 1843;'"

Reported the same back to the House with one amendment,

Which was agreed to.

Mr. Downey, having given previous notice, and upon leave being granted, introduced

No. 54, H. R. File, "Joint Resolution, to instruct the Territorial Agent to inclose the Capital Square in Iowa City;"

Which was read a first time.

The following Message was then received from the Council by J. F. Kinney their Secretary.

MR. SPEAKER :

I am directed to inform the House, that the Council have passed with amendments—

No. 16, H. R. File, "A Bill to amend an act, entitled, 'An act for the organization of Townships ;'"

And then he withdrew.

No. 34, C. File, "A Bill to vacate a street in the town of Marion in Linn county;"

No. 35, C. File, "A Bill for the relief of Wm. B. Snyder;"

And,

No. 37, C. File, "A Bill to provide for the election of an addition-



al Justice of the Peace, in the Township of Fort Madison, in the County of Lee;"

Were severally read a first time.

No. 38, C. File, "A Bill to incorporate the Bloomington and Iowa City Rail Road Company;"

Was read a first time.

Mr. Murdock made a motion,

To suspend the 42nd rule and read the Bill a second time now;

Which was decided in the affirmative,

Yeas 23, Nays 1.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Banks, Chandler, Clifton, Coy, Davis, Downey, Hancock, Harper, Huner, Johnson, Lester, McCleary, Montague, Munger, Murdock, Noble, Robertson, Sheledy, Snyder, Taylor, Woodworth, and Morgan, Speaker.

Mr. Wilson voted in the negative.

On motion of Mr. Murdock,

The Bill was referred to a select Committee of five.

Messrs. Murdock, Downey, Banks, Snyder, and Hancock, were appointed said Committee.

No. 41, C. File, "A Bill to divorce Amelia Scanlin, from her husband, Thomas Scanlin;"

Was read a first time.

Mr. Morgan made a motion,

That the House do now adjourn,

Which was decided in the negative.

Mr. Sheledy made a motion

To suspend the 42nd rule, and read,

No. 41, C. File, "A Bill to divorce Amelia Scanlin from her husband Thomas Scanlin," a second time now;

Which was decided in the affirmative.

Yeas 18, Nays 6.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Chandler, Clifton, Coy, Davis, Downey, Harper, Huner, Johnson, Montague, Munger, Murdock, Noble, Robertson, Sheledy, Snyder, Woodworth, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Banks, Hancock, Lester, McCleary, Taylor, and Wilson.



Mr. Morgan called for the reading of the papers in regard to said Bill, if any such were in the House.

There being none,

On motion of Mr. Wilson,

Ordered, That the Bill be referred to the Committee on the Judiciary.

Mr. Murdock made a motion, to adjourn;

Which was decided in the negative.

Yeas 11, Nays 12.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Clifton, Coy, Downey, Johnson, Munger, Murdock, Noble, Robertson, Wilson, Woodworth, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Anderson, Chandler, Davis, Hancock, Harper, Huner, Lester, McCleary, Montague, Sheledy, Snyder, and Taylor.

No. 50, H. R. File, "A Bill to amend an act, entitled, 'An act concerning water crafts found adrift, lost goods, and estray animals;'"

Was read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

Mr. Taylor made a motion, That the House do now adjourn;

Which was decided in the affirmative.

Yeas 16, Nays 8.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Banks, Chandler, Clifton, Coy, Harper, Huner, Johnson, McCleary, Montague, Munger, Noble, Robertson, Taylor, Woodworth, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Davis, Downey, Hancock, Lester, Murdock, Sheledy, Snyder, and Wilson.

## 2 O'CLOCK, P. M.

No. 18, C. File, "A Bill to submit to the people a draft of a Constitution framed by the late Convention;"

Being the order of the day,

Was considered in Committee of the Whole House, Mr. Johnson in the Chair;

And after some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Johnson reported the same back to the House with one amendment.



The question, was then put,  
"Will the House concur in the report of the Committee?"

Which was decided in the affirmative.

Yeas 16, Nays 8.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Chandler, Coy, Davis, Hancock, Harper, Huner, Johnson, Lester, McCleary, Montague, Murdock, Snyder, Taylor, Wilson, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Anderson, Clifton, Downey, Munger, Noble, Robertson, Sheledy, and Woodworth.

Mr. Murdock made a motion,

To postpone the further consideration of the Bill, until Monday next;

Which was decided in the negative.

On motion of Mr. M'Cleary,

The further consideration thereof, was postponed until to-morrow, 2 o'clock, P. M.

On motion of Mr. Johnson,

No. 35, H. R. File, "A Bill amendatory of an act, entitled, 'An act concerning costs and fees,' 'Approved Feb. 11th, 1843;'"

Was taken from the table, and referred back to the Committee who reported it; consisting of

Messrs. Johnson, Munger, Dowey, McCleary, Coy, and Murdock.

No. 29, C. File, "A Bill to amend an act, entitled, 'An act to establish the time of holding the District Courts in the several Judicial Districts in this Territory,' 'Approved 12th Feb. 1844;'"

Having been postponed until this morning, was taken up; and

On motion of Mr. Taylor,

Referred to a select Committee, composed of the members from the second Judicial District.

On motion of Mr. Wilson,

Ordered, That the House do now adjourn until to-morrow morning at 10 o'clock.



FRIDAY MORNING, 10 O'CLOCK,

May the 30, A. D. 1845.

Mr. Montague gave notice that he would, on to-morrow or some future day, ask leave to introduce,

A Bill for the punishment of offences against chastity, morality, and decency.

Mr. Taylor, from the Committee on engrossed bills, reported—as correctly engrossed,

No. 40, H. R. File, "A Bill for the organization of the County of Iowa."

Mr. Sheledy, from the select Committee to whom was referred "the petition of sixty-four citizens of Washington and Keokuk counties, praying for a Territorial road from Section twenty-six in Township seventy, to Miles B. Friend's in Keokuk county, and to vacate a road therein named;" reported,

No. 55, H. R. File, "A Bill to locate a road from Washington County, to Miles B. Friend's in Keokuk County;"

Which was read a first time.

Mr. Snyder from the Committee to whom it was referred, reported:

No. 39, H. R. File, "A Bill amendatory of 'An act, to authorize evidence by the oath of parties,' 'Approved 20th Jan. 1843,' "

With one amendment;

Which was agreed to.

Mr. McCleary, from the Committee on Military Affairs to whom was referred:

No. 25, C. File, "A Bill to organize and discipline the Militia of Iowa Territory,"

Reported the same back with one amendment;

Which was agreed to.

Mr. Johnson from the Committee to whom it was referred, reported back to the House,

No. 35, H. R. File, "A Bill amendatory of an act, entitled, 'An act concerning costs, and fees,' 'Approved Feb. 11th, 1843;'"

With several amendments;

Which were severally agreed to.



Mr. Johnson, from the Committee instructed to consider the subject of Wills and Administration; reported,

No. 56, H. R. File, "A Bill to amend "An act relative to the Probate of Wills, Executors, Administrators, Guardians, Trustees of Miners, Probate Courts, and for defining their duties," 'Approved Feb. 15, 1843.'"

Which was read a first time.

Mr. Murdock, from the Committee on the Judiciary to whom they were referred, reported back to the House without amendment,

No. 9, C. File, "A Bill to amend an act, entitled, 'An act allowing, and regulating writs of Attachment;'"

No. 45, H. R. File, "A Bill to amend an act, entitled, 'An act to provide for the support of illegitimate children;'"

No. 26, H. R. File, "A Bill to repeal the 6th section of an act, commonly called the Valuation Law, chapter 155 of the revised Statutes of Iowa,"

And,

No. 48, H. R. File, "A Bill to amend 'An act, to punish for trespass on School lands,' 'Approved Jan. 17, 1840.'"

Mr. Snyder, from the Committee to whom it was referred, reported back to the House,

No. 20, H. R. File, "A Bill to amend 'An act to establish a system of Common Schools,' 'Approved January 16th, 1844;'"

With amendments; which were agreed to.

Mr. Downey, from the Committee to whom it was referred, reported:

No. 29, C. File, "A Bill to amend an act, entitled, 'An act to establish the time of holding the District Court, in the several Judicial Districts in this Territory,' 'Approved 12th February, 1844;'"

With an amendment; which was agreed to.

On motion of Mr. McCleary,

The 42nd rule was suspended, the Bill read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 16, H. R. File, "A Bill to amend an act, entitled, 'An act for the organization of Townships,'"

Having been returned from the Council passed with amendments, was taken up, and the amendments were agreed to.

The following Message was then received from the Council by J. F. Kinney their Secretary.

MR. SPEAKER:

I am directed to inform the House, that the Council have passed—



No. 19. C. File, "A Bill to amend an act, entitled, 'An act to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings,' 'Approved Feb. 9, 1839.' "

Also,

No. 39, C. File, "Joint Resolution requesting our Delegate in Congress, to endeavor to procure the establishment of a main route, from Burlington via. Lowell, Salem, and Washington in Henry County, to the seat of Wapello County."

Also,

No. 36, C. File, "A Bill to amend an act, entitled, 'An act concerning water crafts found adrift, lost goods, and estray animals;' 'Approved Jan. 22, 1839.' "

Also,

"No. 40, C. File, "A Bill to change a part of a Territorial Road in the County of Lee."

In which the concurrence of the House is requested.

The Council have also passed—

No. 36, H. R. File, "A Bill to regulate fees of Sheriffs and Constables, in attendance on the District Courts ;"

Also,

No. 38, H. R. File, "A Bill to legalize the acts of William Foster an acting Justice of the Peace."

And then he withdrew.

No. 53, H. R. File, "Memorial to Congress, for the purpose of obtaining a grant of Land for the improvement of the Iowa river ;"

Was read a second time.

On motion of Mr. Downey,

The 42nd rule was suspended, the Memorial read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 49, H. R. File, "A Bill amendatory of 'An act to provide for changing the venue in civil and criminal cases,' 'Approved 13th Feb. 1843 ;' "

Was read a second time ; and,

On motion of Mr. McCleary,

Ordered, That the Bill be engrossed and read a third time tomorrow.

No. 54, H. R. File, "Joint Resolution, to instruct the Territorial Agent to inclose the Capital Square in Iowa City ;"

Was read a second time ; and,

On motion of Mr. Johnson,

Referred to the Committee on Public Buildings.



No. 34, C. File, "A Bill to vacate a street in the town of Marion in Linn county;"

Was read a second time,

On motion of Mr. Snyder,

The 42nd rule was suspended, the Bill read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No 35, C. File, "A Bill for the relief of Wm. B. Snyder;"

Was read a second time; and,

On motion of Mr. Downey,

Referred to the Committee on the Judiciary.

No. 37, C. File, "A Bill to provide for the election of an additional Justice of the Peace, in the Township of Fort Madison in the County of Lee,"

Was read a second time,

On motion of Mr. Anderson,

The 42nd rule was suspended, the Bill read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 52, H. R. File, "A Bill to prevent and punish the owners and masters of Steam Boats, committing trespass upon the property of persons living in this Territory, and for other purposes;"

Was read a second time; and,

On motion of Mr. Anderson,

Referred to a Committee of seven, composed of Members of the river Counties.

Messrs. Anderson, Chandler, McCleary Banks, Coy, Wilson, and Murdock, were appointed said Committee.

No. 40, H. R. File, "A Bill for the organization of the County of Iowa,"

Was read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 43, H. R. File, "A Bill to Incorporate the Scott county Hydraulic Company;"

Was announced from the Chair as being the order of the day.

On motion of Mr. Davis,

The further consideration thereof, was postponed until Monday next.

No. 19, C. File, "A Bill to amend an act, entitled, 'An act amendatory of, an act to provide for the election of Justices of the Peace, to prescribe their duties and powers, and to regulate their proceedings,' Approved Feb. 9th, 1839;"



Was read a first time.

No. 39, C. File, "Joint Resolution, requesting our Delegate in Congress, to procure the establishment of a mail route from Burlington via Lowell, Salem, and Washington in Henry county, to the County Seat in Wapello County,"

Was read a first time.

On motion of Mr. Sheledy,

The 42nd rule was suspended, the Bill read a second time, and referred to a select Committee.

Messrs. Sheledy, Harper and Hancock, were appointed said Committee.

No. 40, C. File, A Bill to change a part of a Territorial road in the County of Lee."

Was read a first time.

On motion of Mr. Noble,

The 42nd rule was suspended, and the Bill read a second time.

On motion of Mr. Anderson,

The 42nd rule was suspended, the Bill read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 36. C. File, "A Bill to amend an act, entitled, 'An act concerning water crafts found adrift, lost goods, and estray animals;'"

Was read a first time.

No. 35, H. R. File, "A Bill amendatory of an act, entitled, 'An act concerning costs and fees,' 'Approved Feb. 11, 1843,'"

Was read a second time,

On motion of Mr. Johnson,

The House resolved itself into a Committee of the Whole House, for the consideration thereof; Mr. Sheledy in the Chair;

And after some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Chairman reported the the Bill back with sundry amendments;

The following Message was received from the Council, by J. F. Kinney their Secretary.

MR. SPEAKER,

I am directed to inform the House, that the Council have passed—

No. 45, C. File, "A Bill to establish a Territorial Road, from Linn Grove of Linn county, to the Military Road in Johnson county."

In which the concurrence of the House is requested.

And then he withdrew.



On motion of Mr. McCleary,

Ordered, That the House do now adjourn until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

The question was then put, on agreeing to the amendments of the Committee of the Whole House, to—

No. 35, H. R. File, "A Bill amendatory of an act, entitled, 'An act concerning costs and fees,' 'Approved Feb. 11th, 1843;'"

And decided in the affirmative.

On motion of Mr. Johnson,

Ordered, That the Bill be engrossed and read a third time to-morrow.

No. 18, C. File, "A Bill to submit to the people a draft of a Constitution framed by the late Convention;"

Was read a second time; and,

Ordered, To a third reading to-morrow.

No. 20, C. File, "A Bill to amend 'An act defining the duties of County Surveyors,' 'Approved Feb. 9th, 1843;'" was

On motion of Mr. McCleary,

Taken from the table, and read a second time.

The question, was then put,

"Shall the Bill be read a third time to-morrow?"

And decided in the negative.

Yeas 6, Nays 15.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Chandler, Clifton, Coy, McCleary, and Noble.

Those who voted in the negative, are

Messrs. Anderson, Davis, Hancock, Harper, Johnson, Lester, Montague, Murdock, Robertson, Sheledy, Snyder, Taylor, Wilson, Woodworth, and Morgan, Speaker.

Mr. Hancock made a motion,

To indefinitely postpone the further consideration of the Bill;

Which was decided in the affirmative,

Yeas 16, Nays 5.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Clifton, Davis, Hancock, Harper, Johnson, Lester, Montague, Noble, Robertson, Sheledy, Snyder, Taylor, Wilson, Woodworth, and Morgan, Speaker.



Those who voted in the negative, are  
Messrs. Banks, Chandler, Coy, McCleary, and Murdock.

Mr. Banks, having given previous notice, and upon leave being granted, introduced,

No. 57, H. R. File, "A Bill to prevent the collection of debts, contracted after the first of January 1847, of all sums under twenty-five dollars; and all sums over twenty-five dollars, unless reduced to writing,"

Which was read a first time.

Mr. Banks made a motion,

That the usual number of copies be printed ;

Which was decided in the negative.

No. 25, C. File, "A Bill to organize and discipline the Militia of this Territory;" was

On motion of Mr. Wilson,

Taken from the table, and read a second time.

Mr. Munger moved to amend the Bill in the 2nd Section, by adding the following :

"Provided that the Quakers, or such as are commonly called Friend Quakers, be exempted from Military duty ;"

Which was decided in the negative.

Yeas 6, Nays 14.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Chandler, Clifton, McCleary, Munger, Robertson, and Woodworth.

Those who voted in the negative, are

Messrs. Anderson, Coy, Davis, Hancock, Harper, Lester, Montague, Murdock, Noble, Sheledy, Snyder, Taylor, Wilson, and Morgan, Speaker.

Mr. Hancock made a motion,

To amend the Bill by adding the following proviso ;

"Provided that no person shall be compelled to perform Military duty in time of peace, unless he give his consent in writing to the commanding officer ;"

Which was decided in the negative.

Mr. Munger made a motion,

To amend, by adding the following :

" Provided, that all who have conscientious scruples against bearing arms, be exempted from doing military duty in time of peace."

Mr. Taylor made a motion,



To amended the amendment, by adding the words following:—  
“Provided they pay an equivalent in money ;”

Which was decided in the negative.

The question was then put, on the original amendment,  
And decided in the negative.

Yeas 9, Nays 11.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Chandler, Clifton, Davis, Lester, McCleary, Munger,  
Robertson, Sheledy, and Woodworth.

Those who voted in the negative, are

Messrs. Anderson, Coy, Hancock, Harper, Montague, Murdock,  
Noble, Snyder, Taylor, Wilson, and Morgan, Speaker.

Mr. McCleary made a motion,

To lay the Bill on the table ;

Which was decided in the negative.

On motion of Mr. Murdock,

A call of the House was ordered,

Messrs. Banks, Huner, Johnson, and Stewart were absent.

On motion of Robertson,

Messrs. Huner and Stewart, were excused from the call.

Messrs. Banks and Johnson appeared immediately, and the call  
was dispensed with.

Mr. Montague made a motion,

That the Bill be indefinitely postponed ;

Which was decided in the negative.

Yeas 9, Nays 14.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Clifton, Davis, Hancock, Harper, Johnson, Montague,  
Munger, Snyder, and Woodworth.

Those who voted in the negative, are

Messrs. Anderson, Banks, Chandler, Coy, Downey, Lester, Mc-  
Cleary, Murdock, Noble, Robertson, Sheledy, Taylor, Wilson, and  
Morgan, Speaker.

Ordered, That the Bill be read a third time to-morrow.

On motion of Mr. Taylor,

Ordered, That the House do now adjourn until to-morrow morn-  
ing at 10 o'clock.



SATURDAY MORNING, 10 O'CLOCK.

May the 31, A. D. 1845.

On motion of Mr. McCleary,

"Resolved, That the Committee on the Judiciary, be instructed to inquire into the expediency of amending the act defining crimes and punishments, so as to punish an attempt to commit the crime specified in the 27th section of said act."

No. 45, C. File, "A Bill to establish a Territorial Road, from Linn Grove of Linn county, to the Military Road in Johnson county,"

Was read a first time.

On motion of Mr. Snyder,

The 42nd rule was suspended, the Bill read a second and third times, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 55, H. R. File, "A Bill to locate a road from Washington County, to Miles B. Friend's in Keokuk County;"

Was read a second time; and,

On motion of Mr. Sheledy,

Ordered, That the Bill be engrossed, and read a third time on Monday next.

No. 39, H. R. File, "A Bill amendatory of 'An act, to authorize evidence by the oath of parties,' 'Approved 20th Jan. 1843,' "

Was read a second time; and,

Ordered, To be engrossed, and read a third time on Monday next.

No. 9, C. File, "A Bill to amend an act, entitled, 'An act allowing, and regulating writs of Attachment;'"

Was read a second time; and,

On motion of Mr. Hancock,

Ordered, To be read a third time on Monday next.

No. 45, H. R. File, "A Bill to amend an act, entitled, 'An act to provide for the support of illegitimate children;'"

Was read a second time; and,

On motion of Mr. Johnson,

Referred to a Committee of the Whole House, and made the order of the day for Monday next.



No. 26, H. R. File, "A Bill to repeal the 6th section of an act, commonly called the Valuation Law, chapter 155 of the revised Statutes of Iowa,"

Was read a second time; and,

Ordered, To be engrossed, and read a third time on Monday next.

No. 48, H. R. File, "A Bill to amend 'An act, to punish for trespass on School lands,' 'Approved Jan. 17, 1840.'"

Was read a second time; and,

On motion of Mr. McCleary,

Referred to a Committee of the Whole House, and made the order of the day for Tuesday next.

No. 20, H. R. File, "A Bill to amend 'An act to establish a system of Common Schools,' 'Approved January 16th, 1844;'"

Was read a second time.

On motion of Mr. Clifton,

The 42nd rule was suspended, and the Bill read a third time.

On motion of Mr. Johnson,

The bill was referred back to the Committee on the Judiciary.

The following Message was then received from the Council by J. F. Kinney their Secretary.

MR. SPEAKER:

I am directed to inform the House, that the Council have passed—

No. 43, C. File, "A Bill to divorce Silas Deeds from his wife Lucy Ann Deeds."

Also,

No. 44, C. File, "A Bill to relocate a certain Territorial road."

The Council have also passed—

No. 30, C. File, "A Bill to provide for the better settling and adjudicating of the several titles set up to the Half Breed Lands in the County of Lee."

In which the concurrence of the House is requested.

The Council have also passed—

No. 41, H. R. File, "A Bill to relocate part of the Territorial road running from Burlington *via* Fort Madison, to the Bridge on Sugar Creek in Lee county."

The Council have indefinitely postponed—

No. 42, H. R. File, "A Bill to amend an act, entitled, 'An act for opening and regulating Roads and Highways.'"



I herewith present for your signature—

“An act to provide for the payment of the expenses of the Convention, which assembled in Iowa City on the 1st Monday of October, A. D. 1844, to frame a Constitution for the future State of Iowa;”

Also,

“An act to amend an act, entitled, ‘An act defining the jurisdiction of the Supreme Court, and regulating practice therein;’”

And then he withdrew.

Said acts were signed by the Speaker of the House of Representatives.

No. 19. C. File, “A Bill to amend an act, entitled, ‘An act to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings,’ ‘Approved Feb. 9, 1839.’”

Was read a second time; and,

On motion of Mr. Snyder,

Referred to a Committee of the Whole House, and made the order of the day for Tuesday next.

No. 36, C. File, “A Bill to amend an act, entitled, ‘An act concerning water crafts found adrift, lost goods, and estray animals;’ ‘Approved Jan. 22, 1839.’”

Was read a second time; and,

On motion of Mr. Sheledy,

Referred to a Committee of the Whole House, and made the order of the day for Tuesday next.

No. 57, H. R. File, “A Bill to prevent the collection of debts, contracted after the first day of January, 1847, of all sums under \$25; and of all sums over \$25 unless reduced to writing;”

Was read a second time; and,

On motion of Mr. Banks,

Referred to a select Committee.

Messrs. Banks, Sheledy, and Montague, were appointed said Committee.

No. 56, H. R. File, “A Bill to amend “An act relative to the Probate of Wills, Executors, Administrators, Guardians, Trustees of Miners, Probate Courts, and for defining their duties,’ ‘Approved Feb. 13, 1843.’”

Was read a second time; and,

On motion of Mr. Johnson,

Referred to the Committee on the Judiciary.



No. 25, C. File, "A Bill to organize and discipline the Militia of Iowa Territory,"

Was read a third time.

The question was then put,

"Shall the Bill pass?"

And decided in the affirmative.

Yeas 16, nays 6.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Chandler, Coy, Davis, Downey, Hancock, Harper, Lester, McCleary, Montague, Murdock, Noble, Robertson, Sheledy, Wilson, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Clifton, Johnston, Munger, Snyder, Taylor and Woodworth.

So the Bill was passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 18, C. File, "A Bill to submit to the people, the draft of a Constitution framed by the late Convention,"

Was read a third time.

Mr. Wilson asked the unanimous consent of the House, to amend the Bill by inserting in the first section, "April," instead of "August."

Pending which,

Mr. Murdock made a motion,

To recommit the Bill with instruction, to amend the Bill by striking out the word "August," where it occurs in the first section, and inserting "April;"

Which was decided in the negative.

Yeas 11, nays 12.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Clifton, Downey, Murdock, Munger, Noble, Robertson, Sheledy, Taylor, Wilson, and Woodworth.

Those who voted in the negative, are

Messrs. Banks, Chandler, Coy, Davis, Hancock, Harper, Johnson, Lester, McCleary, Montague, Snyder, and Morgan, Speaker.

Mr. Munger made a motion,

That this House do now adjourn;

Which was decided in the affirmative.

Yeas 15, nays 7.

The yeas and nays being demanded by two members,



Those who voted in the affirmative, are  
Messrs. Coy, Davis, Downey, Johnson, McCleary, Montague,  
Munger, Murdock, Noble, Robertson, Sheledy, Snyder, Wilson,  
Woodworth, and Morgan, Speaker.

Those who voted in the negative, are  
Messrs. Anderson, Banks, Chandler, Hancock, Harper, Lester,  
and Taylor.

So the House adjourned.

## 2 O'CLOCK, P. M.

The discussion and consideration of—

No. 18, C. File, "A Bill to submit to the people, the draft of a  
Constitution framed by the late Convention;"

Was continued by Messrs. Munger, Morgan, and Wilson.

Mr. Murdock made a motion, to adjourn;

Which was decided in the negative.

Yeas 7, nays 14.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Chandler, Davis, Downey, Hancock, Murdock, Wilson,  
and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Anderson, Banks, Clifton, Coy, Johnson, Lester, Mc-  
Cleary, Montague, Noble, Robertson, Sheledy, Snyder, Taylor, and  
Woodworth.

Mr. Sheledy, then continued the discussion; after which,

Mr. Anderson made a motion,

To reconsider the vote taken on the passage of

No. 37, C. File, "A Bill to provide for the election of an addition-  
al Justice of the Peace, in the Township of Fort Madison, in the  
County of Lee."

Which,

On motion of Mr. Snyder,

Was laid on the table.

On motion of Mr. Sheledy,

The House adjourned.



## MONDAY MORNING, 10 O'CLOCK.

**June the 2, A. D. 1845.**

Mr. Sheledy presented the petition of one hundred and seventy-four citizens of Mahaska county and the attached Territory, praying for the organization of a new county, by the name of "Marion county;"

Which was referred to a select Committee.

Messrs. Sheledy, Harper, and Lester, were appointed said Committee.

Mr. Sheledy presented the petition of twelve persons, praying for the establishment of a Territorial Road, from Eddyville to the southern boundary of Iowa Territory.

Also,

The petition of thirteen persons, praying for the establishment of a Territorial Road, from Eddyville to Bennets Point.

Also,

The petition of eighteen persons, praying for the establishment of a Territorial Road, from Eddyville to intersect the road leading from Iowa City to Oskaloosa.

Also,

The petition of thirty-two persons, praying for the establishment of a road, from Clarksville in Kiskekosh county, down Cedar river to the south line of Mahaska county;

All of which were referred to the Committee on Roads and Highways.

Mr. Sheledy presented the petition of eighty-one persons, praying the appointment of George Gilaspi to the office of Sheriff of "Marion County;"

Which was referred to a Committee, consisting of Messrs. Sheledy, Harper, and Lester.

Mr. Huner presented the petition of one hundred and sixty citizens of Fort Madison, praying the passage of a law allowing the people of each township, to prohibit grocery license by a vote;

Which was referred to a select Committee, consisting of Messrs. Huner, Sheledy, Murdock, and Montague.

Mr. Johnson presented the account of S. J. Burr, Secretary of the Territory of Iowa, for fifty-eight dollars and twenty-five cents paid to Bridgman and Brothers, for articles furnished the Legislative Assembly;

Which was referred to the Committee on Claims.



Mr. Snyder gave notice that he would, on to-morrow or some future day, ask leave to introduce,

A Bill to amend an act, entitled, 'An act concerning Bail,' 'Approved Jan. 25th, 1839.' "

Mr. Taylor, from the Committee on engrossed Bills, reported as correctly engrossed;

No. 26, H. R. File, "A Bill to repeal the 6th section of an act, commonly called the Valuation Law, chapter 155 of the revised Statutes of Iowa;"

No. 35, H. R. File, "A Bill amendatory of an act, entitled, 'An act concerning costs, and fees,' 'Approved Feb. 11th, 1843;'"

No. 55, H. R. File, "A Bill to locate a road from Washington County, to Miles B. Friend's in Keokuk County;"

No. 49, H. R. File, "A Bill amendatory of 'An act to provide for changing the venue in civil and criminal cases,' 'Approved 13th Feb. 1843;'"

And,

No. 39, H. R. File, "A Bill amendatory of 'An act, to authorize evidence by the oath of parties,' 'Approved 20th Jan. 1843;'"

Mr. Sheledy from the Committee to whom it was referred, reported back to the House,

No. 39, C. File, "Joint Resolution, requesting our Delegate in Congress, to procure the establishment of a mail route from Burlington via. Lowell, Salem, and Washington in Henry county, to the County Seat in Wapello County,"

With amendments; which were agreed to.

Mr. Banks, from the Committee to whom was referred the petition of sundry citizens, praying for a change in the name of the town of Bloomington, in the County of Muscatine, reported

No. 58, H. R. File, "A Bill to establish the name of the town of Bloomington, in Muscatine county;"

Which was read a first time; and

On motion of Mr. Sheledy,

The 42nd rule was suspended and the Bill read a second time.

On motion of Mr. Banks,

Ordered, That the Bill be engrossed and read a third time to-morrow.

Mr. Huner, from the Committee to whom it was referred, reported back to the House, without amendment,

No. 44, H. R. File, "A Bill to relocate the Seat of Justice of Lee county;"

Mr. Anderson, from the same committee, made the following minority report;



The minority of the Committee, to whom was referred a Bill to provide for the relocation of the County Seat of Lee county, beg leave to report:

That, after carefully examining said Bill in connection with the majority of your Committee, the minority will state that the main body of said Bill they are in favor of, and think it just, and would give general satisfaction to a large majority of the people; but your Committee cannot agree with the majority, upon the principals contained in the 17th and 18th Sections of said Bill, and are confidently of the opinion, that if the Bill should pass with those Sections contained in it, it would not only operate injuriously, but would give the two points specified in said sections, decided advantage over all others in the county; your Committee, therefore, recommend that the said sections be stricken out of said Bill.

Mr. Montague, having given previous notice, and upon leave being granted, introduced,

No. 59, H. R. File, "A Bill to provide for the punishment of offences against chastity, morality, and decency;"

Which was read a first time.

No. 30, C. File, "A Bill to provide for the better settling and adjudicating of the several titles set up to the Half Breed Lands in the County of Lee;"

Was read a first time.

On motion of Mr. Murdock,

The 42nd rule was suspended, the Bill read a second time, and referred to the Committee on the Judiciary.

No. 44, C. File, "A Bill to relocate a certain Territorial road."

Was read a first time.

No. 43, C. File, "A Bill to divorce Silas Deeds, of Jefferson county, from his wife Lucy Ann Deeds."

Was read a first time.

No. 55, H. R. File, "A Bill to locate a road from Washington county to Miles B. Friends's in Keokuk county,"

Was read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 39, H. R. File, "A Bill amendatory of 'An act to authorize evidence by the oath of the parties,' 'Approved 20th January, 1843.'"

Was read a third time.

On motion of Mr. Murdock,

A call of the House was ordered.

Messrs Banks, Downey, and Stewart, were absent.



On motion of Mr. Anderson,  
Mr Stewart was excused from the call.

Mr. Banks came in and took his seat.

On motion of Mr. Taylor,

The further call of the House was dispensed with.

The question was then put,

"Shall the Bill pass?"

And decided in the affirmative,

Yeas 14, Nays 9.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Chandler, Davis, Johnson, McCleary, Munger, Murdock, Noble, Robertson, Sheledy, Snyder, Taylor, Wilson, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Anderson, Clifton, Coy, Hancock, Harper, Huner, Lester, Montague, and Woodworth.

So the Bill passed, and the title was agreed to.

Ordered, That the Council be informed thereof.

No. 9, C. File, "A Bill to amend an act, entitled, 'An act allowing, and regulating writs of Attachment;'"

Was read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 26, H. R. File, "A Bill to repeal the 6th section of an act commonly called the Valuation Law, chapter 155 of the revised Statutes of Iowa;"

Was read a third time; and,

On motion of Mr. Banks,

Re-committed to the Committee on the Judiciary, with instruction to amend the 5th section of said act.

No. 35, H. R. File, "A Bill amendatory of an act, entitled, 'An act concerning costs and fees,' 'Approved Feb. 11th, 1843;'"

Was read a third time; and,

On motion of Mr. Clifton,

Re-committed with instruction to strike out the County of Henry.

No. 49, H. R. File, "A Bill amendatory of 'An act to provide for changing the venue in civil and criminal cases,' 'Approved 13th Feb. 1843;'"

Was read a third time, passed, and its title agreed to.

Ordered, That the Clerk inform the Council thereof.

No. 45, H. R. File, "A Bill to amend an act, entitled, 'An act



to provide for the support of illegitimate children;’ ”

Being the order of the day,

Was considered in Committee of the Whole House, Mr. Hancock in the Chair;

And after some time spent therein;

Mr. Speaker resumed the Chair, and Mr. Chairman reported the Bill back to the House with several amendments;

Which were severally agreed to.

Mr. Wilson made a motion,

To strike out the enacting clause of the Bill;

Which was decided in the negative.

Yeas 4, Nays 18.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Coy, Munger, Murdock, and Wilson.

Those who voted in the negative, are

Messrs. Anderson, Banks, Chandler, Clifton, Davis, Hancock, Harper, Huner, Johnson, Lester, McCleary, Montague, Noble, Robertson, Sheledy, Snyder, Taylor, and Woodworth.

Mr. Banks made a motion,

To amend the last section of the Bill, by inserting after the word “August” the word “next;”

Which was agreed to.

On motion of Mr. Sheledy,

The 42nd rule was suspended, the Bill read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 43, H. R. File, “A Bill to incorporate the Scott County Hydraulic Company.”

Being the order of the day; was,

On motion of Mr. Wilson,

Postponed until to-morrow.

On motion of Mr. Wilson, The House adjourned.

## 2 O’CLOCK, P. M.

No. 18, C. File, “A Bill to submit to the people, the draft of a Constitution framed by the late Convention;”

Being under consideration when the House adjourned yesterday, was resumed in debate by Messrs. Anderson, Sheledy, and Wilson.

The following Message was received from the Council, by J. F. Kinney their Secretary.



MR. SPEAKER,

I am directed to inform the House, that the Council have passed—

No 28, C. File, "Joint Resolution providing for an examination of the affairs of the Penitentiary."

In which the concurrence of the House is requested.

The Council have concurred in the amendments made by the House to—

No. 29, C. File, "A Bill to amend an act, entitled, 'An act to establish the time of holding the District Court in the several Judicial Districts in this Territory,' 'Approved 12th Feb. 1844;'"

The Council have also concurred in the amendments made by the House, to—

No. 25, C. File, "A Bill to organize and discipline the Militia of this Territory;"

The Council have passed with amendments—

No. 47, H. R. File, "A Bill for the relief of Samuel Parker;"

I herewith return to you—

"An act to Incorporate the University of Iowa."

The same having been signed by the President of the Council.

And then he withdrew.

Mr. Johnson moved a call of the House, which was ordered, Mr. Coy was absent, but appeared immediately and took his seat.

The question, was then put,

"Shall the Bill pass?"

And decided in the affirmative.

Yeas 16, Nays 8.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Chandler, Coy, Davis, Hancock, Harper, Hunker, Johnson, Lester, McCleary, Montague, Murdock, Snyder, Taylor, Wilson, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Anderson, Clifton, Downey, Munger, Noble, Robertson, Sheledy, and Woodworth.

So the Bill passed, and the title was agreed to.

Ordered, That the Council be informed thereof.

Mr. Sheledy presented the following protest, and asked that it might be placed on the Journals of the House.

"The undersigned, Members of the House of Representatives, of the Territory of Iowa, beg leave to enter their solemn protest, against



the final passage of the "Bill to submit to the people the draft of a Constitution formed by the late Convention."

In the name, and in behalf of the constituents we have the honor to represent, we protest against the passage of this Bill, because we believe that this Legislative Assembly has no delegated authority to pass it;—and because we believe it is designed to control rather than to ascertain public sentiment, in reference to the vote the electors shall give, for or against this *draft* of a Constitution.

The Constitution which was framed by the Convention in October last, has been formerly submitted to a vote of the whole people of this territory, and by them it was most deliberately rejected. To call upon them again to vote for or against accepting it, looks very much like trifling with their feelings, their judgments, and their constitutional privileges. They have sent up no memorials asking us to give them another opportunity to vote upon it. And if they had, we ought not to pass this Bill unless there was exhibited upon our table a clearly expressed majority in favor of such a measure.

The instructions we received at the ballot box on the first Monday in April last, most assuredly cannot be mistaken. A majority of nine hundred and ninety-eight votes stands recorded against this same "draft of a Constitution." Have one thousand votes, in the short space of sixty days—without any assignable reason, suddenly changed their opinions as to the merits of this draft of a Constitution? If they have the evidence and cause of their conversion is not before us. But it is contended that the people did not vote understandingly at the last election, and that another appeal must be made to their sober second thoughts. If we were influenced by no other considerations, a conscious deference to the judgment of a free and independent constituency, would constrain us from submitting to them a Constitution which they have so recently and so signally rejected. Such a course would be derogatory to a free people, whose province it is to give, and not to receive instructions in the affairs of Government. Again it is alledged that the conditions imposed by Congress in altering and curtailing the boundaries of the proposed State, caused the rejection of the Constitution. This doubtless had influence in different sections of the territory, both for and against it. What was lost on the north and the south by the change, was partially made up by the vote of the centre, where the Congressional boundaries are more acceptable than those defined in the Constitution. But if we were certain that the change of boundaries caused the rejection of the Constitution, we could not vote for this Bill. The amendment made by Congress was anticipated by the framers and provided for, by declaring that the Constitution together with whatever conditions might be made to the same by Congress, should be ratified or rejected by a vote of the qualified electors in April last, in the manner prescribed by the act providing for the Convention. The amendments made by Congress attached to and formed as much



a part of the Constitution when it was submitted to the people, as if originally engrafted in it. The people were not deceived, they knew what they were about. They knew full well that if a majority of the votes should be cast in favor of it, that we should go into the union with the boundaries prescribed by Congress; and if a majority should be against its adoption the instrument would be a dead letter, and that Iowa would occupy the same position she did before the call of the Convention. In view of the whole grounds—they chose to remain under a territorial government, considering, most wisely, that they would not be worsted by delay. The question of territory was with them a minor consideration; their main objections were to the body of the Constitution.

We protest against the passage of this Bill as impolitic and improper, even were it certain that the people would adopt the Constitution as it came from the Convention, for it is manifest that Congress will impose the same, or similar conditions to our admission. Should this be done, in how much better situation shall we be, than we are now? We shall still be out of the Union unless we accept of the conditions imposed. And it would seem by the passage of this Bill that its advocates consider the constitutional boundaries as paramount to every other consideration. If this Legislature reflects the will of the people and there shall be no change off in it, the Legislature which is to accept or reject the conditions imposed by Congress will reject them by the same relative majority which is brought to bear in the passage of this Bill. What must then be done preparatory to entering the Union as a State? Will another trial strain be made with the same old defunct Constitution until the people are wearied out with territorial vasselage and compelled to adopt it as the choice between two evils. To this alternative we hope and trust they will not be driven. They have a right to say whether they will have another convention; and in their name we protest against a policy which deprives them of that privilege.

We are opposed to submitting to the people this "draft" of a Constitution for such it only is, and a very rough one at that. If this Legislature has power to submit to the people drafts for their consideration, common courtesy would seem to suggest the propriety of presenting one which had not already been passed upon. The passage of this Bill is a virtual assumption that this constitutional draft is the *ne plus ultra* of statesmanship, and that it should not be profaned by the second touch of progressive democracy. This principle is at war with the creed of our political faith, which teaches that the people have at all times the right to alter or abolish their government and to institute new rules for their guidance. Shall Iowa commence by reversing the basis of power and declare that the Government derives its just power from the consent of the *governors* instead of the *governed*—and that the people have not a right to alter or abolish it without the consent of the Legislature? Shall it dictate to the peo-



ple the form of Government they shall have, and shall the people be told by their Legislators that they shall take that or nothing.

The citizens of Iowa had a right to expect a Constitution with such guards as should secure to them all the rights, privileges, and immunities which are secured to their fellow citizens in the other States of the confederacy. In this, however, they were suddenly disappointed. They have had tendered to them a Constitution in one respect different from any in Christendom. The solemnity of an oath in this new declaration of rights is virtually done away with, by admitting the Atheist to all the privileges of a conscientious witness. If this is a progression in the science of government, it is unquestionably a retrogression in christianity. It is presumed that a few people with old fashioned notions of morality voted against the Constitution in consequence of this novel feature.

The Constitution also surrenders to the Governor the right to deprive a majority of the people's representatives from enacting laws unless two thirds of both Houses concur. Thus constituting the Executive a branch of the Legislative power which in another part of the Constitution is declared shall be separate and distinct.

This Constitution also virtually prohibits the Legislature from ever adopting a system of internal improvement, such as the construction of roads and canals to facilitate the operations of trade and commerce. And from the creation of corporations for manufacturing and other useful purposes. Nor can any bank ever be established under the provisions of this Constitution. It is true that there is a provision for the establishment of State Banks under certain conditions; but those conditions amount to a perfect mockery. The members of the Convention well knew that no bank would ever be established without an alteration of the Constitution. They knew that no sane man would take stock in a bank where the stockholders were liable in their individual capacity, not only to the amount of stock by them owned respectively, but to an unlimited extent.

The consequence of depriving the citizens of Iowa of the privileges of banking and the issuance of their own paper currency is too palpable to be questioned by the meanest intellect. The adjoining States will furnish us with a currency of which we can know but little and over which we can have no Legislative control. And it is fair to presume that the annual loss to our citizens by the use of such a currency would exceed in amount the entire direct tax for the support of the State government. Every tyro in politics knows that the meaner the paper currency the scarcer will be the precious metals. The adoption of the Constitution proposed will cause an influx of worthless paper and the disappearance of gold and silver. A little specie will remain in the State it is true, but it will be an article of merchandize, and can be had of those consistent advocates of a hard money currency called brokers or shavers, at the market price, which ranges at this ill fated period, at from twelve to fifty per cent.



This Constitution has many other defects either of which would induce many good men to vote against it, and taken as a whole it is deficient in style, manner, and matter, and far behind the spirit of this enlightened and liberal age.

STEPHEN B. SHELEDY,  
JOSEPH M. ROBERTSON,  
RICHARD NOBLE,  
JAMES ANDERSON,  
CHARLES STEWART,  
N. MUNGER,  
HUGH D. DOWNEY,  
CHARLES CLIFTON,  
S. D. WOODWORTH.

Mr. Munger made a motion,  
That the protest be entered on the Journals ;

Which was decided in the affirmative, by a vote of all the members present being twenty-three in number.

On motion of Mr. Murdock,  
The House adjourned.

## TUESDAY MORNING, 10 O'CLOCK,

**June the 3, A. D. 1845.**

Mr. Munger, from the Committee on Enrolments, reported the following acts as correctly enrolled, to wit :

"An act to amend an act, entitled, "An act to encourage the destruction of wolves, 'Approved Jan. 7, 1844.'"

"An act to declare a certain road in Washington county a public highway."

"An act to regulate fees of sheriffs and constables in attendance on District courts."

"An act to legalize the acts of William Foster, an acting Justice of the Peace."

"An act to relocate a part of the Territorial road, running from Burlington *via*. Fort Madison, to the bridge on Sugar Creek in Lee county."

"An act to amend an act, entitled, 'An act for the organization of townships.'"

"An act to change the Eastern boundary of Washington county."

"Joint Resolution providing seals for certain counties therein named,"



Which were severally signed by the Speaker of the House of Representatives.

Mr. Downey presented the account of Charles Gaman, for six days work, in fitting up the Capitol for the Convention, at two dollars per day, amounting to twelve dollars.

Which was referred to the Committee on Ways and Means.

Mr. Coy, having given previous notice, and upon leave being granted, introduced,

No. 62, H. R. File, "Joint resolution, instructing our Delegate in Congress to procure an increase of facility on mail route No. 4228,"

Which was read a first time.

On motion of Mr. Coy,

The 42nd rule was suspended, the Resolution read a second and third times, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Robertson presented the account of J. S. Kimball for forty-seven dollars fifty cents;

Which was referred to the Committee on Claims.

Also,

The account of Jonathan Read, for twenty-five dollars; which was referred to the same Committee.

Mr. Harper, from the Committee on roads and Highways, to whom was referred sundry petitions and remonstrances in relation to a certain ferry, kept by Henry Decamp and Samuel H. Collier across the Mississippi River at the town of Wyoming, reported:

No. 60, H. R. File, "A Bill to amend An act authorizing Henry Decamp and Samuel H. Collier, to keep a ferry across the Mississippi River, at the town of Wyoming in the County of Muscatine." "Approved Feb. 14, 1843."

Which was read a first time.

Mr. McCleary, from the Committee to whom it was referred, reported:

No. 52, H. R. File, "A Bill to prevent and punish the owners and masters of Steam Boats, committing trespass upon the property of persons living in this Territory, and for other purposes;"

With an amendment which was agreed to.

The Bill was ordered to be engrossed, and read a third time on to-morrow.

Mr. Sheledy, from the Committee to whom was referred the petition of sundry persons, praying the organization of the County of Marion, reported:

No. 61, H. R. File, "A Bill to organize the County of Marion;"

Which was read a first time.

On motion of Mr. McCleary,



The 42nd rule was suspended, the Bill read a second time ;

Referred to a Committee of the Whole House, and made the order of the day for to-morrow.

Mr. Taylor, from the Committee on engrossed Bills, reported as correctly engrossed;

No. 58, H. R. File, "A Bill to establish the name of the town known as the town of Bloomington, in Muscatine county;"

Mr. Murdock, from the Committee on the Judiciary, to whom they were referred, reported, without amendment,

No. 30, C. File, "A Bill to provide for the better settling and adjudicating of the several titles set up to the Half Breed Lands in the County of Lee;"

On motion of Mr. Murdock,

The 42nd rule was suspended, the Bill read a third time, passed, and preamble and title agreed to.

Ordered, That the Council be informed thereof.

No. 56, H. R. File, "A Bill to amend "An act relative to the Probate of Wills, Executors, Administrators, Guardians, Trustees of Minors, Probate Courts, and for defining their duties," 'Approved Feb. 13, 1843,'"

Which,

On motion of Mr. Johnson, was

Ordered, That the Bill be engrossed and read a third time to-morrow.

Also,

No. 26, H. R. File, "A Bill to repeal the 6th section of an act, commonly called the Valuation Law, chapter 155 of the revised Statutes of Iowa,"

With one amendment.

The question was then put,

"Will the House agree to the amendment made by the Committee?"

And decided in the negative.

Yeas 9, nays 14.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Davis, Hancock, Harper, Lester, Murdock, Robertson, Sheledy, and Snyder.

Those who voted in the negative, are

Messrs. Anderson, Chandler, Clifton, Coy, Downey, Huner, Johnson, McCleary, Montague, Munger, Noble, Taylor, Wilson, and Woodworth.

The 42nd rule was suspended and the Bill read a third time.

The question, was then put,



"Shall the Bill pass?"

And decided in the affirmative.

Yeas 19, Nays 4.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Chandler, Clifton, Coy, Downey, Hancock, Harper, Huner, Johnson, Lester, McCleary, Montague, Murdock, Noble, Robertson, Sheledy, Taylor, Wilson, and Woodworth.

Those who voted in the negative, are

Messrs. Banks, Davis, Munger, and Snyder,

Mr. McCleary made a motion,

To amend the title of the Bill by striking out all after the word "act," and insert the words, "subjecting real and personal estate to execution;"

Which was agreed to.

So the Bill passed, and the title was agreed to.

Also,

No 35, C. File, "A Bill for the relief of Wm. B. Snyder;"

With amendments which were agreed to.

On motion of Mr. Downey.

The 42nd rule was suspended, the Bill read a third time, passed, and the title agreed to.

Mr. Johnson, from the Committee to whom was recommitted with instructions to strike out the "County of Henry," reported back to the House,

No. 35, H. R. File, "A Bill amendatory of an act, entitled, 'An act concerning costs, and fees,' 'Approved Feb. 11th, 1843;'"

With said amendment,

Which was agreed to.

The question was then put,

"Shall the Bill pass?"

And decided in the affirmative.

Yeas 17, Nays 5.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Chandler, Clifton, Coy, Davis, Downey, Hancock, Harper, Huner, Johnson, Lester, Montague, Munger, Noble, Robertson, Taylor, and Woodworth.

Those who voted in the negative, are

Messrs. Banks, Murdock, Sheledy, Snyder, and Wilson.

So the Bill passed, and the title was agreed to.



Mr. Murdock from the Judiciary Committee to whom it was referred, reported

No. 38, C. File, A Bill to Incorporate the Bloomington and Iowa City Rail Road Company."

With amendments; which were agreed to.

On motion of Mr. Downey,

The Bill was laid on the table.

The following Message was received from the Council, by J. F. Kinney their Secretary.

MR. SPEAKER,

I am directed to inform the House, that the Council have passed—

No. 52, C. File, "Joint Resolution to provide for the appointment of a Fiscal Agent for Iowa Territory;"

In which the concurrence of the House is requested.

And then he withdrew.

On motion of Mr. Johnson,

The Message was taken up,

The 42nd rule was suspended, and the Resolution read a first and second times.

On motion of Mr. Robertson,

The Resolution was laid on the table.

Mr. Downey from the Committee to whom it was referred, reported

No. 54, H. R. File, "Joint Resolution, to instruct the Territorial Agent to inclose the Capitol Square in Iowa City;"

With amendments; which were agreed to.

On motion of Mr. Downey,

The 42nd rule was suspended, and the Resolution read a third time.

On motion of Mr. Taylor,

The Resolution was laid on the table;

Mr. Murdock, having given previous notice, and upon leave being granted, introduced

No. 63, H. R. File, "Joint Resolution instructing the Secretary to pay the Widow of the late James Leonard, the full amount of his *per diem*, for this entire Session;"

Was read a first time.

On motion of Mr. Johnson,

The 42nd rule was suspended, the Resolution read a second and third times, passed, and the title agreed to.



On motion of Mr. McCleary,  
The House adjourned.

## 2 O'CLOCK, P. M.

Mr. Snyder, having given previous notice, and upon leave being granted, introduced,

No. 64, H. R. File, "A Bill to amend an act, entitled, An act concerning Bail," "Approved Jan. 25th, 1839."

Which was read a first time.

On motion of Mr. Snyder,

The 42nd rule was suspended and the Bill read a second time,

On motion of Mr. Clifton,

Ordered, That the Bill be engrossed, and read a third time tomorrow.

Mr. Murdock, having given previous notice, and upon leave being granted, introduced,

No. 65, H. R. File, "A Bill to authorise Duncan McGregor, to keep a ferry across the Mississippi river in the County of Clayton,"

Which was read a first time,

Also,

No. 66, H. R. File, "Memorial to Congress, praying an appropriation for the purpose of building a bridge across the Turkey River, in the County of Clayton,"

Which was read a first time;

On motion of Mr. Wilson,

The 42nd rule was suspended, the Memorial read a second and third times, passed and its title agreed to.

Mr. Wilson having given previous notice, and upon leave being granted, introduced,

No. 67, H. R. File, "A Bill to legalize the location of a Territorial Road from Cascade in Dubuque County, to O. A. Olmstead's Mill in Delaware county."

Which was read a first time.

On motion of Mr. Wilson,

The 42nd rule was suspended, the Bill read a second and third times, passed and its title agreed to.

Ordered, That the Council be informed thereof.

No 28, C. File, "Joint Resolution providing for an examination of the affairs of the Penitentiary."

Was read a first time.

No. 47, H. R. File, "A Bill for the relief of Samuel Parker ;"

Having been returned from the Council with an amendment, was taken up and the amendment agreed to.



The following Message was then received from the Council by J. F. Kinney their Secretary.

MR. SPEAKER,

I am directed to inform the House, that the Council have passed, No. 53, H. R. File, "Memorial to Congress, for the purpose of obtaining a grant of Land for the improvement of the Iowa river ;"

The Council have concurred in the amendments made by the House to—

No. 18, C. File, "A Bill to submit to the people a draft of a Constitution framed by the late Convention;"

I herewith present for your signature—

"An act to vacate a street in the town of Marion in Linn county."

"An act to change a part of a Territorial road in the County of Lee."

"An act to establish a Territorial Road, from Linn Grove of Linn county, to the Military Road in Johnson county,"

"An act to organize and discipline the Militia of Iowa Territory,"

"An act to submit to the people, the draft of a Constitution framed by the late Convention,"

And then he withdrew.

The above acts were signed by the Speaker of the House of Representatives.

Mr. Downey, having given previous notice, and upon leave being granted, introduced

No. 68, H. R. File, "Joint Resolution, to authorize the Clerk of the Supreme Court to use a certain room in the Capitol for the purpose of a Clerk's Office;"

Which was read a first time.

No. 39, C. File, "Joint Resolution, requesting our Delegate in Congress, to endeavor to procure the establishment of a mail route from Burlington via. Lowell, Salem, and Washington in Henry county, to the County Seat in Wapello County,"

Was read a second time.

On motion of Mr. Robertson,

The 42nd rule was suspended, the Bill read a third time, passed, and the title amended and agreed to.

No. 44, H. R. File, "A Bill to relocate the Seat of Justice of Lee county,"

Was read a second time.

On motion of Mr. Huner,

The 42nd rule was suspended, the Bill read a third time, passed, and the title agreed to.



No. 59, H. R. File, "A Bill to provide for the punishment of offences against chastity, morality, and decency;"

Was read a second time; and,

On motion of Mr. McCleary,

Referred to a Committee of the Whole House, and made the order of the day for to-morrow.

No. 44, C. File, "A Bill to relocate a certain Territorial road."

Was read a second time.

On motion of Mr. Robertson,

The 42nd rule was suspended, the Bill read a third time, passed, and the title agreed to.

No. 43, C. File, "A Bill to divorce Silas Deeds, of Jefferson county, from his wife Lucy Ann Deeds."

Which was read a second time; and,

Referred to the Committee on the Judiciary.

No. 58, H. R. File, "A Bill to establish the name of the town known as the town of Bloomington, in Muscatine county;"

Was read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 43, H. R. File, "A Bill to incorporate the Scott County Hydraulic Company."

Being the order of the day,

Was considered in Committee of the Whole House; Mr. McCleary in the Chair;

After some time spent therein,

Mr. Speaker resumed the Chair; and Mr. McCleary reported the Bill back to the House with one amendment;

Which was agreed to.

Mr. Murdock made a motion,

To amend the Bill, by inserting before the last Section, a new Section in these words, "any future Legislature may alter or repeal this charter."

Mr. Wilson moved a call of the House.

Mr. Stewart only was absent.

On motion of Mr. McCleary,

The further call was dispensed with.

The question was then put,

"Will the House agree to the amendment?"

And decided in the negative.



The following Message was then received from the Council by J. F. Kinney their Secretary.

MR. SPEAKER,

I am directed to inform the House, that the Council have passed, No. 53, C. File, "Joint Resolution, authorizing the Trustees of the Protestant Methodist Church, to convey their Church half lot in Iowa City, to the Trustees of the Iowa City College."

In which the concurrence of the House is requested.

The Council have also passed—

No. 32, H. R. File, "A Bill to postpone the election of members of the House of Representatives of the Territory of Iowa, from August until April ;"

And then he withdrew.

The question, was then put,

"Shall the Bill be engrossed and read a third time to-morrow?"

And decided in the affirmative.

Yeas 13, Nays 10.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Banks, Clifton, Coy, Davis, Downey, Huner, McCleary Munger, Noble, Robertson, Sheledy, and Woodworth.

Those who voted in the negative, are

Messrs. Hancock, Harper, Johnson, Lester, Montague, Murdock, Snyder Taylor, Wilson, and Morgan, Speaker.

On motion of Mr. Murdock,

No. 52, C. File, "Joint Resolution to provide for the appointment of a Fiscal Agent for Iowa Territory;"

Was taken from the table.

Mr. Davis made a motion,

To refer it to the Judiciary ;

Which was decided in the negative.

Mr. Murdock made a motion,

To suspend the 42nd rule, and read the Resolution a third time now.

Which was decided in the negative.

Mr. Banks made a motion,

To refer it to a Committee on Ways and Means ;

Which was decided in the negative.

On motion of Mr. Taylor,

The House adjourned.



WEDNESDAY MORNING, 9 O'CLOCK.

**June the 4, A. D. 1845.**

On motion of Mr. Johnson,

No. 52, C. File, "Joint Resolution to provide for the appointment of a Fiscal Agent for Iowa Territory,"

Was taken up, and read a second time; and,

On motion of Mr. Noble,

Referred to a select Committee, with instructions to report immediately.

Messrs. Noble, Murdock, and McCleary, were appointed said Committee.

Mr. Noble, from said Committee, reported the same back with two amendments;

Which were agreed to.

On motion of Mr. M'Cleary,

The 42nd rule was suspended, and the Bill read a third time.

The question was then put,

"Shall the Resolution pass?"

And decided in the affirmative.

Yeas 13, nays 10.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Clifton, Davis, Downey, Hancock, Harper, Huner, Lester, McCleary, Montague, Murdock, Noble, Robertson, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Anderson, Banks, Chandler, Coy, Johnston, Munger, Sheledy, Taylor, Wilson and Woodworth.

Ordered, That the Council be informed thereof.

Mr. Davis, having given previous notice, and upon leave being granted, introduced,

No. 69, H. R. File, "A Joint Resolution, authorizing the Secretary of the Territory to contract for the printing of the Laws of the present session, with the lowest bidder;"

Which was read a first time.

Mr. Taylor, from the Committee on Engrossed Bills, reported as correctly engrossed,



No. 56, H. R. File, "A Bill to amend 'An act relative to the Probate of Wills, Executors, Administrators, Guardians, Trustees of Minors and Probate Courts, and for defining their duties.' 'Approved Feb. 13, 1843.' "

Also,

No. 64, H. R. File, "A Bill to amend an act, entitled, 'An act concerning Bail,' 'Approved Jan. 25th, 1839.' "

Mr. Harper, from the Committee on Roads and Highways, made the following Report :

"The Committee on Roads and Highways, to whom was referred a petition for a road from Eddysville to Bennett's Point ; also a petition for a road from Eddysville to the Southern Boundary of the Territory ; and also, a petition for a road from Clarksville down Cedar River, in Kishkekosh County, have had the same under careful consideration, and have instructed me to report that it is inexpedient to grant the prayers of the petitioners ;

Which was concurred in.

Mr. Johnson, having given previous notice, and upon leave being granted, introduced

No. 70, H. R. File, "An act to amend an act, entitled, 'An act to regulate the institution of suits by foreign Executors, Administrators and Guardians within this Territory ;' "

Which was read a first time.

No. 53, C. File, "Joint Resolution, authorizing the Trustees of the Protestant Methodist Church, to convey their Church half lot in Iowa City, to the Trustees of the Iowa City College ;"

Was read a first time.

On motion of Mr. Downey,

The 42nd rule was suspended, and the Resolution read a second time.

Mr. Downey made a motion to amend the Resolution, by inserting after the word "Church," the words, "or a majority of them," and by adding the words following: "and the said Trustees of the Iowa City College, or a majority of them, shall have full power to sell and convey said premises for religious or literary purposes, whenever, in their opinion, such conveyance will advance the interest of said College ;"

Which was agreed to.

The 42nd rule was suspended, the Resolution read a third time, passed and the preamble and title agreed to.

No. 60, H. R. File, "A Bill to amend An act authorizing Henry Decamp and Samuel H. Collier, to keep a ferry across the Mississippi River, at the town of Wyoming in the County of Muscatine," "Approved Feb. 14, 1843."



Was read a second time.

Mr. Banks made a motion to refer the Bill to the Committee on Corporations;

Which was decided in the negative.

On motion of Mr. Banks, it was

Referred to a select Committee of three.

Messrs. Banks, Robertson, and McCleary, were appointed said Committee.

No. 68, H. R. File, "Joint resolution to authorize the Clerk of the Supreme Court, to use a certain room in the Capitol, for the purpose of a Clerk's Office;"

Was read a second time.

On motion of Mr. Downey,

The 42nd rule was suspended, the Resolution read a third time, passed, and the title agreed to.

Ordered that the Council be informed thereof.

No. 65, H. R. File, "A Bill to authorize Duncan McGregor to keep a Ferry across the Mississippi River, in the county of Clayton;"

Was read a second time.

Mr. Banks made a motion,

To amend the Bill by inserting the following as a new section:

"Any future Legislature may alter, amend or repeal this Charter;"

Which was decided in the affirmative.

The Bill was ordered, to be engrossed, and read a third time to-morrow.

No 28, C. File, "Joint Resolution providing for an examination of the affairs of the Penitentiary."

Was read a second time; and,

On motion of Mr. Wilson,

Referred to a Committee of the Whole House, and made the order of the day for 2 o'clock P. M. of this day.

No. 52, H. R. File, "A Bill to prevent and punish the owners and masters of Steam Boats, committing trespass upon the property of persons living in this Territory, and for other purposes;"

Was read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 56, H. R. File, "A Bill to amend "An act relative to the Probate of Wills, Executors, Administrators, Guardians, Trustees of Minors, and Probate Courts, and for defining their duties," 'Approved Feb. 13, 1843,'"

Was read a third time.



Mr. Snyder moved to amend by way of rider, by adding to the ninth section, the words following: "Provided, That whenever the Probate Judge shall be satisfied that the compensation now provided by law, is insufficient for the services rendered by Executors or Administrators, he shall be authorized to make such additional allowance as he shall deem reasonable;"

Which was agreed to.

The Bill was then passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 64, H. R. File, "A Bill to amend an act, entitled, 'an act concerning Bail,' 'Approved January 25th, 1839;'"

Was read a third time; and,

On motion of Mr. Murdock,

Referred to a select committee, with instructions to amend the last section of the Bill.

Messrs. Murdock, McCleary and Taylor were appointed said Committee.

No. 43, H. R. File, "A Bill to Incorporate the Scott county Hydraulic Company;"

Was read a third time.

On motion of Mr. Snyder,

A call of the House was ordered.

Messrs. Hancock, Sheledy, and Stewart, were absent.

On motion of Mr. Woodworth,

Messrs. Sheledy and Stewart, were excused from the call.

On motion of Mr. McCleary,

The further call of the House was dispensed with.

The question was then put:

"Shall the Bill pass?"

And decided in the affirmative.

Yeas 11, Nays 8.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Clifton, Coy, Davis, Downey, Huner, McCleary, Munger, Noble, Robertson, and Woodworth.

Those who voted in the negative, are

Messrs. Banks, Harper, Johnson, Murdock, Snyder, Taylor, Wilson, and Morgan, Speaker.

So the Bill was passed, and the title agreed to.

Ordered, That the Council be informed thereof.



No. 61, H. R. File, "A Bill to Organize the County of Marion,"  
Being the order of the day for this day, in Committee of the Whole House, was postponed until to-morrow.

On motion of Mr. Harper,  
The House adjourned.

## 2 O'CLOCK, P. M.

No. 59, H. R. File, "A Bill to provide for the punishment of offences against chastity, morality, and decency;"

Being the order of the day, was considered in Committee of the Whole House; Mr. Johnson in the Chair;

After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Chairman reported the Bill back, with one amendment;

Which was disagreed to.

On motion of Mr. Hancock,

The Bill was referred to the Committee on Internal Improvements.

No. 28, C. File, "Joint Resolution providing for an examination of the affairs of the Penitentiary."

Being the order of the day, was considered in Committee of the Whole House; Mr. Robertson in the Chair;

After some time spent therein,

Mr. Speaker resumed the Chair; and Mr. Chairman reported the Bill back to the House, without amendment.

On motion of Mr. Johnson,

The 42nd rule was suspended, the Bill read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Davis,

Mr. Taylor was added to the Committee on Internal Improvements.

Mr. Johnson moved a call of the House, which was ordered.

Messrs. Downey and Wilson were absent.

Mr. Robertson made a motion to suspend the call;

Which was decided in the negative.

Mr. Johnson made a motion to adjourn;

Which was decided in the negative.

On motion of Mr. Murdock,

The further call of the house was dispensed with.

No. 27, C. File, "A Bill to amend 'An act, to provide for levying



a tax on real and personal property for road purposes,' 'Approved Feb. 16th, 1842,' "

Being the order of the day,

Was considered in Committee of the Whole House, Mr. Robertson in the Chair ;

And after some time spent therein;

Mr. Speaker resumed the Chair, and Mr. Chairman reported the Bill back to the House without amendment;

Mr. Hancock made a motion,

To lay the bill on the table ;

Which was decided in the negative.

On motion of Mr. Murdock,

Ordered, That the Bill be read a third time to-morrow.

No. 19, C. File, "A Bill to amend an act, entitled, 'An act amendatory of, an act to provide for the election of Justices of the Peace, to prescribe their duties and powers, and to regulate their proceedings,' 'Approved Feb. 9th, 1839;'"

Being the order of the day;

Was considered in Committee of the Whole House, Mr. Wilson in the Chair ;

After some time spent therein ;

Mr. Speaker resumed the Chair ; and Mr. Chairman reported the Bill back to the House, with one amendment ;

Which was agreed to.

Mr. Downey made a motion,

To strike out all after the first section ;

Which was decided in the affirmative.

Mr. Johnson made a motion,

To amend the Bill, by adding the following as a new section :

"That suits may hereafter be commenced on all Contracts, Notes, or Duebills, for any sum not exceeding Fifty Dollars, before any Justice of the Peace of the Township or Precinct wherein the same is made payable: Provided, The place of payment of such contract or instrument, be particularly specified in the same :

Which was decided in the affirmative.

Yeas 13, Nays 8.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Chandler, Coy, Davis, Downey, Johnson, McCleary, Munger, Noble, Robertson, Snyder, Taylor, Wilson, and Woodworth.

Those who voted in the negative, are



Messrs. Anderson, Banks, Hancock, Harper, Huner, Lester, Montague, and Murdock.

Mr. Wilson made a motion;

To amend the Bill, by adding a new section, in the words following:

This act shall take effect, and be in force, from and after the first day of August next;

Which was agreed to.

On motion of Mr. Johnson,

The following was added as an additional new section:

"That all acts, and parts of acts, that conflict with this act, are hereby repealed."

On motion of Mr. Taylor,

Ordered, That the Bill be read a third time to-morrow.

Mr. Huner offered the following Resolution:

"Resolved, That R. W. Albright, Editor of the Lee County Democrat, be authorized to print the usual number of copies of the Journal of the House of Representatives of the present session and that he be allowed the price established by law for such printing."

Mr. Taylor made a motion,

To lay the Resolution on the table;

Which was decided in the negative.

Mr. Wilson made a motion,

To amend, by striking out R. W. Albright, Editor of the Lee County Democrat," and inserting "Williams & Palmer, Editors of the Iowa Capital Reporter."

On motion of Mr. Anderson,

The Resolution was laid on the table.

On motion of Mr. Anderson,

No. 24, C. File, "A Joint Resolution providing for the adjournment of the Legislative Assembly,"

Was taken from the table.

Mr. Davis made a motion,

To strike out the word, "tenth," and insert, "seventh."

On motion of Mr. Murdock,

The resolution was laid on the table.

Mr. Downey offered the following:

"Resolved, That the Secretary of the Territory of Iowa, be instructed to pay James Trimble, Esq., the sum of Five Dollars, for his services in administering the Oath of Office to the members of this House.



Mr. Davis made a motion,

To amend the Resolution, by striking out the word, "five," and inserting the word, "three;"

Which was agreed to.

The Resolution was then adopted,

No. 48, H. R. File, "A Bill to amend 'An act, to punish for trespass on School lands,' 'Approved Jan. 17, 1840.'"

Being the order of the day,

Was considered in Committee of the Whole House, Mr. Johnson in the Chair;

And after some time spent therein;

Mr. Speaker resumed the Chair, and Mr. Chairman reported the Bill back to the House without amendment;

Mr. Davis made a motion,

To refer the Bill to a select Committee;

Which was decided in the negative.

Mr. Snyder made a motion,

To suspend the 42nd rule and read the Bill a third time now;

Pending which,

On motion of Mr. Noble,

The Bill was referred to the Committee on the Judiciary.

The following Message was received from the Council, by J. F. Kinney, their Secretary.

MR. SPEAKER,

I herewith present for your signature,—

"Joint Resolution providing for the appointment of a Fiscal Agent for the Territory of Iowa;"

And then he withdrew.

The said Resolution was then signed by the Speaker of the House of Representatives.

Ordered, That the Council be informed thereof immediately.

The following Message was then received from the Council by J. F. Kinney their Secretary.

MR. SPEAKER,

I am directed to inform the House, that the Council have passed—

No 47, C. File, "A Bill establishing a Territorial Road, from the Eastern line of Washington county, to the Widow Fry's, on Old Man's Creek."

Also,

No. 48, C. File, "A Bill to establish a Territorial Road in the Counties of Van Buren and Davis;"



Also,

No. 49, C. File, "A Bill to divorce George Beebe from his wife, Mahala Beebe;"

In which the concurrence of the House is requested.

The Council have indefinitely postponed,

No. 39, H. R. File, "A Bill amendatory of 'An act, to authorize evidence by the oath of parties,' 'Approved 20th Jan. 1843,' "

And then he withdrew.

On motion of Mr. Downey.

The House adjourned.

THURSDAY MORNING, 10 O'CLOCK,

June the 5, A. D. 1845.

Mr. McCleary made a motion,

To reconsider the vote, of yesterday, taken, on ordering to a third reading,

No. 19, C. File, "A Bill to amend an act, entitled, 'An act to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings,' 'Approved Feb. 9, 1839.' "

Which was decided in the affirmative,

On motion of Mr. McCleary,

The vote taken on yesterday—on striking out all after the first Section, was reconsidered;

And the Bill referred to a select Committee,

Messrs. McCleary, Snyder, and Johnson, were appointed said Committee.

Mr. Montague made a motion,

To reconsider the vote taken on the passage of

No. 53, C. File, "Joint Resolution, authorizing the Trustees of the Protestant Methodist Church, to convey their Church half lot in Iowa City, to the Trustees of the Iowa City College;"

Which,

On motion of Mr. Murdock,

Was laid on the table.

On motion of Mr. Anderson,

The motion to reconsider the vote taken on the passage of

No. 37, C. File, "A Bill to provide for the election of an addition-



al Justice of the Peace, in the Township of Fort Madison in the County of Lee,"

Was taken from the table.

The vote was then reconsidered, and the Bill recommitted with instruction to amend the Bill, by striking out the words, "Township of Fort Madison," and insert the words, "Madison Township," wherever it occurs in the Bill and title.

Mr. Anderson, and Huner, were appointed said Committee; who reported the same back immediately with said amendments;

Which were agreed to.

The Bill was then read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

Mr. Downey presented two accounts—one of Thomas Snyder, for repairing desks and other furniture for the Legislature, amounting to \$4 00; the other of Wesley Jones, for Stationary, Wood, &c., amounting to \$24 59;

Which were referred to the Committee on Claims.

Mr. Huner gave notice, that he would, on to-morrow, or some future day, ask leave to introduce,

"A Bill requiring persons commencing suits in the Courts of this Territory, to give security for costs, when required."

On motion of Mr. Snyder,

"Resolved, That the Committee on the Judiciary be instructed to report back to this House, by 2 o'clock P. M.,

No. 20, H. R. File, "A Bill to amend 'An act to establish a system of Common Schools,' 'Approved January 16th, 1844;'"

Which was referred to them on Saturday last.

Mr. Downey gave notice, that he would, on to-morrow, or some future day, ask leave to introduce,

"A Bill Supplementary to an act Incorporating the Iowa City University."

The following Message was received from the Council, by J. F. Kinney, their Secretary:

MR. SPEAKER:

I am directed to inform the House, that the Council have passed—

No. 66, H. R. File, "Memorial to Congress, praying an appropriation for the purpose of building a bridge across the Turkey River, in the County of Clayton,"

Also, with an amendment,

No. 63, H. R. File, "Joint Resolution instructing the Secretary



to pay the Widow of the late James Leonard, the full amount of his *per diem*, for this entire Session;"

Also, with an amendment,

No. 62, H. R. File, "Joint Resolution, instructing our Delegate in Congress to procure an increase of facility on mail route No. 4228,"

In which the concurrence of the House is requested.

The Council have passed,

No. 55, H. R. File, "A Bill to locate a road from Washington County, to Miles B. Friend's in Keokuk County ;"

The Council have concurred in the first and third amendments made by the House, to

No. 35, C. File, "A Bill for the relief of William B. Snyder,"

And have amended the amendment of the House to the 2nd section of said Bill.

The Council have concurred in the amendments made by the House, to

No. 39, C. File, "Joint Resolution, requesting our Delegate in Congress, to endeavor to procure the establishment of a mail route from Burlington via. Lowell, Salem, and Washington in Henry county, to the County Seat in Wapello county,"

Also, to

No. 53, C. File, "Joint Resolution, authorizing the Trustees of the Protestant Methodist Church, to convey their Church half lot in Iowa City, to the Trustees of the Iowa City College ;"

And then he withdrew.

Mr. Banks, from the select Committee, to whom the subject was referred, submitted the following Report ;

"The select Committee, to whom was re-committed,

No. 60, H. R. File, Relative to a certain Ferry at Wyoming, in Muscatine county, are of opinion that said Ferry, by not complying with the requisitions of its charter, has forfeited the same. And your Committee are also of opinion, that the petition praying for an amendment of said charter, more properly comes under the jurisdiction of the County Commissioners of the proper County, than it does of this body ;"

Which was concurred in.

Mr. Taylor, from the Committee on engrossed Bills, reported as properly engrossed ;

No. 65, H. R. File, "A Bill to authorise Duncan McGregor, to keep a ferry across the Mississippi river in the County of Clayton,"

Mr. McCleary, from the Committee to whom it was referred, reported,



No. 19, C. File, "A Bill to amend an act, entitled, 'An act amendatory of, an act to provide for the election of Justices of the Peace, to prescribe their duties and powers, and to regulate their proceedings,' 'Approved Feb. 9th, 1839;'"

With amendments, which were agreed to.

On motion of Mr. Murdock,

The word "ten," in the seventh section, was stricken out, and the word "five" inserted.

On motion of Mr. McCleary,

The 42nd rule was suspended and the Bill read a third time,

The question was then put,

"Shall the Bill pass?"

And decided in the affirmative.

Yeas 13, nays 7.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Chandler, Coy, Davis, Johnson, McCleary, Murdock, Noble, Robertson, Snyder, Taylor, Wilson, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Anderson, Clifton, Hancock, Harper, Huner, Lester, and Montague.

So the Bill was passed, and the title agreed to.

Ordered, That the Council be informed thereof.

Mr. Banks, from the Committee to whom the subject was referred, submitted the following report:

"The select Committee, to whom was referred,

No. 57, H. R. File, "A Bill to prevent the collection of debts, contracted after the first of January 1847, of all sums under twenty-five dollars; and all sums over twenty-five dollars, unless reduced to writing,"

Report, That they have had the same under mature consideration; and, although they are of opinion that if the said bill, or something like it, was once established as a law, that it would prove beneficial to the community, yet, taking into consideration the fact, that the public mind is not prepared for it at this time, we suggest, that it is not expedient for the Legislature to give the same further consideration at this time. All of which is respectfully submitted; and your Committee ask to be discharged therefrom.

The report was then concurred in.

Mr. Murdock, from the Committee to whom it was referred, reported



No. 48, H. R. File, "A Bill to amend an act to punish for trespass on School lands," with amendments ;

Which were agreed to.

On motion of Mr. McCleary,

The 42nd rule was suspended, the Bill read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

Mr. Murdock also reported,

No. 64, H. R. File, "A Bill to amend an act, entitled, 'An act concerning Bail,' 'Approved Jan. 25th, 1839.' "

With an amendment to the last section, as inserted ;

Which was agreed to.

The Bill was then read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

Mr. Hancock, from the Committee to whom it was referred, reported,

No. 59, H. R. File, "A Bill to provide for the punishment of offences against chastity, morality, and decency,"

Without amendment.

On motion of Mr. Wilson,

The House resolved itself into a Committee of the Whole House, for the consideration thereof; Mr. Robertson in the Chair;

After some time spent therein,

Mr. Speaker resumed the Chair; and Mr. Chairman reported the Bill back to the House without amendment;

Mr. Wilson made a motion,

To amend the Bill, by striking out the words, "its passage," in the fourth section, and to insert the words, "the fourth of August next."

Mr. Murdock made a motion,

To amend the motion, by inserting, "the first of January next ;"

Which was decided in the negative.

The question then recurred on the motion made by Mr. Wilson ; Which was decided in the affirmative.

Mr. Noble made a motion,

To amend the last section of the Bill, by adding the following proviso :

"Provided, That this act shall only be in force in Van Buren and Louisa counties."

Mr. McCleary made a motion,

To amend the motion, by striking out "Louisa ?"



Which was decided in the affirmative.

Mr. Montague made a motion  
To amend further, by striking out "the county of Van Buren;"

Which was decided in the affirmative.

The question was then put,

On adopting the amendment of Mr. Noble, as amended;  
And decided in the negative.

Yeas 7, Nays 12.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Chandler, Clifton, Downey, Noble, Snyder,  
and Wilson,

Those who voted in the negative, are

Messrs. Banks, Davis, Hancock, Harper, Huner, Johnson, Lester,  
McCleary, Montague, Murdock, Robertson, and Morgan, Speaker.

Mr. Johnson made a motion,

That the Bill be engrossed, and read a third time to-morrow.

Which was decided in the negative.

Yeas 10, Nays 10.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Clifton, Davis, Hancock, Harper, Johnson, Lester,  
McCleary, Montague, and Robertson.

Those who voted in the negative, are

Messrs. Anderson, Chandler, Downey, Huner, Murdock, Noble,  
Snyder, Taylor, Wilson, and Morgan, Speaker.

On motion of Mr. Robertson,

The bill was laid on the table.

No. 47, C. File, "A Bill to establish a Territorial Road, from the  
Eastern line of Washington county, to the Widow Fry's, on Old  
Man's Creek;"

Was read a first time.

On motion of Mr. Clifton,

The 42nd rule was suspended, and the Bill read a second time.

No. 48, C. File, "A Bill to establish a Territorial Road in the  
Counties of Van Buren and Davis,"

Was read a first time.

No. 49, C. File, "A Bill to divorce George Beebe, from his wife,  
Mahala Beebe,"

Was read a first time.

On motion of Mr. Anderson,

The 42nd rule was suspended, and the Bill read a second time.



On motion of Mr. Murdock,

The Bill was laid on the table.

No. 69, H. R. File, "A Joint Resolution, authorizing the Secretary of the Territory to contract for the printing of the Laws of the present session, with the lowest bidder ;"

Was read a second time ; and,

On motion of Mr. Murdock,

The further consideration thereof was indefinitely postponed.

No. 70, H. R. File, "A Bill to amend an act, entitled, 'An act, to regulate the institution of suits by foreign Executors, Administrators, and Guardians, within this Territory,'"

Was read a second time ; and,

On motion of Mr. Johnson,

Referred to the Committee on the Judiciary.

No. 65, H. R. File, "A Bill to authorize Duncan McGregor to keep a Ferry across the Mississippi River, in the county of Clayton ;"

Was read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 27, C. File, "A Bill to amend 'An act to provide for the levying of tax on real and personal property for road purposes,' 'Approved Feb. 16th, 1842,'"

Was read a third time ; and,

Referred to a select Committee, with instructions to amend.

Messrs. Chandler, McCleary, and Murdock, were appointed said Committee.

No. 61, H. R. File, "A Bill to Organize the County of Marion,"

Being the order of the day, was taken up ; and,

On motion of Mr. Clifton,

The further consideration thereof was postponed until 2 o'clock P. M.

No. 36, C. File, "A Bill to amend an act, entitled, 'An act concerning water crafts found adrift, lost goods, and estray animals,' 'Approved Jan. 22, 1839.'"

Being the order of the day, was considered in Committee of the Whole House ; Mr. Hancock in the Chair ;

After some time spent therein,

Mr. Speaker resumed the Chair, and the Chairman reported the same back, with sundry amendments.

On motion of Mr. Johnson,  
The Bill was laid on the table.

On motion of Mr. Noble,  
The House adjourned.



## 2 O'CLOCK, P. M.

On motion of Mr. M'Cleary,

No. 36. C. File, "A Bill to amend an act, entitled, 'An act concerning water crafts found adrift, lost goods, and estray animals;'— 'Approved January 22, 1839;'"

Was taken from the table, and considered in Committee of the Whole House, Mr. Hancock in the Chair;

After some time spent therein;

Mr. Speaker resumed the Chair; and Mr. Chairman reported the Bill back to the House, with one amendment.

On motion of Mr. Murdock,

The Bill was laid on the table.

Mr. Murdock reported that the Committee on the Judiciary, had found

No. 20, H. R. File, "A Bill to amend 'an act to establish a system of Common Schools;' 'Approved January 16th, 1844.'"

On motion of Mr. Snyder,

The House granted time until to-morrow morning, to report said Bill.

On motion of Mr. Clifton.

No. 61, H. R. File, "A Bill for the Organization of the county of Marion;"

Was taken up, and considered in Committee of the Whole House; Mr. Wilson in the Chair;

After some time spent therein,

Mr. Speaker resumed the Chair; and Mr. Chairman reported the Bill back to the House, with amendments.

Which were agreed to.

Mr. Anderson made a motion,

To lay the bill on the table;

Which was decided in the negative.

Mr. Snyder made a motion,

To amend, by striking out "Joseph M. Robertson," and inserting "John B. Lash, of Henry County;"

Which was decided in the negative.

Mr. Hancock made a motion,

To lay the Bill on the table,



Which was decided in the negative.

On motion of Mr. McCleary,

Ordered, That the Bill be engrossed, and read a third time tomorrow.

On motion of Mr. Banks,

No. 38, C. File, "A Bill to Incorporate the Bloomington and Iowa City Rail Road Company,"

Was taken up and read a second time.

The amendments to said Bill were severally agreed to.

On motion of Mr. Murdock,

The 42nd rule was suspended, and the Bill read a third time.

Mr. Wilson moved to amend the Bill, by way of rider, so as to extend the Rail Road from Washington Ferry to Dubuque;

Which was decided in the negative,

Yeas 2, nays 19.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Noble, and Wilson.

Those who voted in the negative, are

Messrs. Anderson, Banks, Chandler, Clifton, Davis, Downey, Hancock, Harper, Huner, Johnson, Lester, McCleary, Montague, Murdock, Robertson, Sheledy, Taylor, Woodworth, and Morgan, Speaker.

On motion of Mr. Wilson,

A call of the House was ordered;

All were present except Messrs. Stewart, Sheledy, Coy, and Munger; who, on motion, were excused from the call, and the further call dispensed with.

On motion of Mr. Johnson,

The previous question was ordered and put,

"Shall the Bill pass?"

Which was decided in the affirmative.

Yeas 16, Nays 5.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Banks, Chandler, Clifton, Davis, Downey, Huner, Johnson, Lester, McCleary, Murdock, Noble, Robertson, Snyder, Taylor, and Woodworth.

Those who voted in the negative, are

Messrs. Hancock, Harper, Montague, Wilson, and Morgan, Speaker.



On motion of Mr. Huner,

"The Resolution authorising R. W. Albright, Editor of the Lee County Democrat, to print the usual number of copies of the Journal of the House of Representatives,

Was taken from the table, and adopted.

On motion of Mr. Montague,

The motion to re-consider the vote, taken on the passage of No. 53, C. File, "Joint Resolution, authorizing the Trustees of the Protestant Methodist Church, to convey their Church half lot in Iowa City, to the Trustees of the Iowa City College,"

Was taken from the table.

The question, was then put,

"Will the House reconsider the vote?"

And decided in the negative.

Mr. Taylor made a motion,

To take from the table,

No. 24, C. File, "Joint Resolution providing for the adjournment of the Legislative Assembly,"

Which was decided in the negative.

On motion of Mr. Chandler,

The House adjourned.

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FRIDAY MORNING, 10 O'CLOCK.

**June the 6, A. D. 1845.**

Mr. Downey presented the account of Powell and Jones for Stationary, &c; \$44 46;

Which was referred to the Committee on Claims.

Mr. McCleary, from the Committee of Ways and Means, to whom was referred the account of Charles Gayman, reported,

No. 71, H. R. File, "Joint Resolution for the payment of Charles Gayman for work done at the Capitol;"

Which was read a first time.

On motion of Mr. McCleary,

The 42nd rule was suspended, the Resolution read a second and third times, passed, and its title agreed to.

Ordered, That the Council be informed thereof.



Mr. McCleary, from the Committee on Ways and Means, to whom was referred the account of Samuel Isaacs, reported,

No. 72, H. R. File, "Joint Resolution providing for auditing the account of Samuel Isaacs for Stationary furnished the Convention;"

Which was read a first time.

On motion of Mr. McCleary,

The 42nd rule was suspended, and the Resolution read a second time.

Mr. Murdock, from the Committee on the Judiciary, reported—

No. 20, H. R. File, "A Bill to amend 'An act to establish a system of Common Schools,' 'Approved January 16th, 1844;'"

With one amendment; which was agreed to.

On motion of Mr. Wilson,

The Bill was referred to a Committee of the Whole House, and made the order of the day for 2 o'clock P. M.

Mr. Robertson from the select Committee to whom the subject was referred, made the following report:

"The select Committee to whom was referred—

No. 4, C. File, "A Bill to establish a Territorial Road from Bloomington in Muscatine county, to Davenport in Scott county;" have had the same under consideration, and have authorized me to report:

That they deem it inexpedient, at this time to legislate on local matters; when the Board of Commissioners of the several Counties interested, are fully competent to act, and are much more likely to do justice in the premises, (having all the facts of the case before them,) than this body can possibly do. Your Committee, therefore, pray to be discharged from the further consideration of the subject.

Mr. Banks, from the same Committee, submitted a minority report in the words following:

"The minority of the select Committee, to whom—

No. 4, C. File, "A Bill to locate a Territorial Road from Bloomington in Muscatine county, to Davenport in Scott county," ask leave to report:

That so far as Muscatine county is concerned, they are very anxious for the establishment of said road; and ask that the Bill may be passed, amended so as to not include Scott county."

The report of the minority was adopted; and,

On motion of Mr. Banks,

The Bill was recommitted to a select Committee, consisting of Messrs. Banks, Downey, and Snyder, who, after a short time, reported the Bill back with the proposed amendments;

Which were agreed to.



The 42nd rule was suspended, the Bill read a third time, passed, and the title agreed to.

Ordered that the Council be informed thereof.

Mr. Murdock, from the Committee on the Judiciary to whom it was referred, reported—

No. 70, H. R. File, "A Bill to amend an act, entitled, 'An act to regulate the institution of suits by foreign Executors, Administrators and Guardians within this Territory;'"

With one amendment; which was agreed to.

Mr. Huner having given previous notice, and upon leave being granted, introduced,

No. 73, H. R. File, "A Bill requiring persons commencing suits in Court to give security for costs,"

Which was read a first time,

Mr. Munger, from the Committee on Engrossed Bills, reported that they have examined,

"An act for the relief of Samuel Parker;" and

"An act for postponing the election of members of the House of Representatives, of the Territory of Iowa, from August until April;"

And find them correctly engrossed.

Mr. Downey, having given previous notice, and upon leave being granted, introduced,

No. 74, H. R. File, "A Bill for a supplement to an act, entitled, 'an act to Incorporate the University of Iowa City,' 'Approved 2nd day of June, 1845;'"

Which was read a first time.

On motion of Mr. Downey,

The 42nd rule was suspended, the Bill read a second and third times, passed and its title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Murdock,

"Resolved, That a select Committee be appointed to inquire what disposition has been made of the Carpet that was on this floor at the last session of the Legislature; with instructions to report at 2 o'clock this afternoon.

Messrs. Murdock, Montague, and Taylor, were appointed said Committee.

Mr. Downey having given previous notice, and upon leave being granted, introduced,

No. 75, H. R. File, "Memorial to Congress, for an appropriation to finish the Capitol and Penitentiary;"

Which was read a first time.



On motion of Mr. Johnson,

The 42nd rule was suspended, and the Bill read a second time.

On motion of Mr. Johnson,

The Memorial was amended by adding the following :

"Resolved further, That his Excellency the Governor, is hereby requested to forward a copy of the above Memorial to our Delegate in Congress."

The 42nd rule was then suspended, the Memorial read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Speaker then appointed Messrs. Davis and Huner a Committee, to act with a similar Committee on the part of the Council, to examine the affairs of the Penitentiary.

No. 62, H. R. File, "Joint Resolution, instructing our Delegate in Congress to procure an increase of facility on mail route No. 4228,"

Having been returned from the Council with an amendment, was taken up, and the amendment agreed to.

No 35, C. File, "A Bill for the relief of Wm. B. Snyder;"

Having been returned from the Council, with an amendment made by the Council, to the amendment made by the House, to the second section, it was taken up and agreed to.

No. 48, C. File, "A Bill to establish a Territorial Road in the Counties of Van Buren and Davis,"

Was read a second time.

On motion of Mr. Lester,

Ordered, That the Bill be read a third time to-morrow.

No. 47, C. File, "A Bill to establish a Territorial Road, from the Eastern line of Washington county, to the Widow Fry's, on Old Man's Creek;"

Was read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. McCleary,

The vote, taken on ordering to a third reading,

No. 61, H. R. File, "A Bill to organize the county of Marion;" was reconsidered.

Also,

The vote taken upon the amendment, changing the name of the county to "Polk."

The question was then put :

"Will the House agree to the amendment?"

Which was decided in the negative.



So the word "Marion" was not stricken out.

The Bill was then read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Banks,  
The House adjourned.

## 2 O'CLOCK, P. M.

On motion of Mr. McCleary,

No. 72, H. R. File, "Joint Resolution, providing for Auditing the account of Samuel Isaacs, for Stationary furnished the Convention ;"

Was taken from the table,

The 42nd rule suspended, the Resolution read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 20, H. R. File, "A Bill to amend 'An act to establish a system of Common Schools ;' 'Approved January 16th 1844 ;' "

Being the order of the day for this hour,

Was considered in Committee of the Whole House, Mr. Wilson in the Chair ;

And after some time spent therein;

Mr. Speaker resumed the Chair, and Mr. Chairman reported the Bill back to the House with amendments;

Which were agreed to.

On motion of Mr. Snyder,

The 7th section was amended, by striking out "13," and inserting "11."

Mr. Chandler made a motion,  
To recommit the Bill ;

Which was decided in the negative.

On motion of Mr. Taylor,

Ordered, That the Bill be engrossed, and read a third time tomorrow.

No. 51, C. File, "A Bill to amend an act, entitled, 'An act Organizing a Board of County Commissioners in each county ;' 'Approved Feb. 15th, 1843 ;' "

Was read a first time.

No. 40, H. R. File, "A Bill for the organization of the County of Iowa."

Having been returned from the Council, with amendments, was taken up and the amendments agreed to.



The following Message was received from the Council, by J. F. Kinney, their Secretary.

MR. SPEAKER,

I herewith return you—

“Joint Resolution, instructing our Delegate in Congress, to procure an increase of facility on Mail Route No. 4228;”

Also,

“An act for the relief of Samuel Parker;”

Also,

“Memorial to Congress, for the purpose of obtaining a grant of land for the Improvement of the Iowa River.”

Also,

“An act to create a Territorial Road from Washington county, to Miles B. Friends’ in Keokuk county.”

Also,

“An act to postpone the election of the members of the House of Representatives of the Territory of Iowa, from August until April.”

The same having been signed by the President of the Council;

And then he withdrew.

No. 44, H. R. File, “A Bill to relocate the Seat of Justice of Lee county;”

Also,

No. 49, H. R. File, “A Bill amendatory of ‘An act to provide for changing the venue in civil and criminal cases;’ ‘Approved 13th Feb. 1843;’”

Having been returned from the Council, with amendments, were taken up, and the amendments severally agreed to.

Mr. Davis gave notice, that he would, on to-morrow, or some future day, ask leave to introduce,

A Bill to postpone the annual session of the Legislative Assembly.

Mr. Johnson, having given previous notice, and upon leave being granted, introduced,

No. 75, H. R. File, Joint Resolution providing for the safe keeping of the property belonging to the Capitol, and for other purposes,”

Which was read a first time,

On motion of Mr. Noble,

The 42nd rule was suspended, and the Resolution read a second time.

Mr. McCleary made a motion,

To strike out the words, “for religious and political purposes.”

Mr. Robertson made a motion,

To amend the amendment, by inserting the words “either of the



Legislative Halls, to be used for any purpose, during the recess of the Legislature ;”

Which was agreed to.

Mr. Davis made a motion,

To indefinitely postpone the further consideration thereof ;

Which was decided in the negative.

The question then recurred on the amendment of Mr. McCleary as amended ;

Which was decided in the affirmative.

Mr. Downey made a motion,

To amend by striking out all after the word “same ;”

Which was decided in the negative.

On motion of Mr. Robertson,

The 42nd rule was suspended, the Resolution read a third time, passed, and the title agreed to.

Mr. Murdock, from the Committee appointed to examine in regard to the carpet, reported verbally.

Mr. Davis made a motion,

That the said Committee have further time with power to send for persons, papers, &c., and to administer oaths ;

Which was decided in the negative.

The following Message was received from the Council, by J. F. Kinney, their Secretary :

MR. SPEAKER :

I am directed to inform the House, that the Council have passed—

No. 51, C. File, “A Bill to amend an act, entitled, ‘An act organizing a Board of County Commissioners in each county ;’ ‘Approved Feb. 15th, 1843 ;’ ”

Also, with amendments,

No. 40, H. R. File, “A Bill for the organization of the County of Iowa,”

Also, with amendments,

No. 44, H. R. File, “A Bill to relocate the Seat of Justice of Lee county,”

Also, with amendments,

No. 49, H. R. File, “A Bill amendatory of ‘An act to provide for changing the venue in civil and criminal cases,’ ‘Approved 13th Feb. 1843 ;’ ”

In which the concurrence of the House is requested.

I herewith present for your signature,—

“An act to amend an act, entitled, ‘An act allowing and regulating writs of attachment ;’ ”



"An act to provide for the better settling and adjudicating of the several titles set up to the Half Breed lands in the County of Lee;"

"An act to amend an act, entitled, 'An act to establish the time of holding the District Courts in the several Judicial Districts in this Territory,' 'Approved 12th Feb. 1744;'"

"An act to relocate a certain Territorial road;"

And,

"A Joint Resolution, requesting our Delegate in Congress, to endeavor to procure the establishment of a Mail route, from Burlington via Lowell, Salem, and Washington in Henry county, to the county seat of Wapello county;"

And then he withdrew.

Said acts were signed by the Speaker of the House of Representatives.

Mr. Munger, from the Committee on enrolments, reported as correctly enroled:

"Joint Resolution, instructing our Delegate in Congress to procure an increase of facility on mail route No. 4228;"

"An act for the relief of Samuel Parker;"

"Memorial to Congress, for the purpose of obtaining a grant of Land for the improvement of the Iowa river;"

"An act to establish a Territorial road from Washington county to Miles B. Friends' in Keokuk county,"

And,

"An act to postpone the election of members of the House of Representatives, of the Territory of Iowa, from August until April;"

All of which, have been presented to the Governor this day for his signature.

On motion of Mr. Murdock,  
The House adjourned.

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SATURDAY MORNING, 10 O'CLOCK,

June the 7, A. D. 1845.

The following Message was then received from the Council by J. F. Kinney their Secretary.

MR. SPEAKER,

I herewith present—



"An act to submit to the people, the draft of a Constitution framed by the late Convention."

The same having originated in the Council and passed both Houses, and having been returned to the Council with the accompanying objections of the Executive, to the passage of said act.

I am directed to inform the House that the said act has again been passed by the Council, by a majority of two thirds, of the members of the whole Council.

And then he withdrew.

On motion of Mr. Johnson,

The Message from the Council was taken up; and the Message of the Governor read; which is as follows:

VETO OF THE GOVERNOR, ON THE BILL TO RESUBMIT  
THE CONSTITUTION TO A VOTE OF THE PEOPLE.

EXECUTIVE DEPARTMENT, IOWA CITY, }  
June 6th, 1845. }

I return to the Council, in which it originated, the act, entitled—"An act to submit to the people the draft of a Constitution framed by the late Convention," with my objections to it.

The act of the Legislature, under the provisions of which the late Convention assembled, expressly reserves to the people, the right to vote for or against the Constitution, at the April election succeeding its formation; and the ordinary course would have been, to await the action of the people upon it, before presenting it to Congress, and asking admission into the Union; but the Convention did not deem it necessary to do so, and at the close of their labors adopted a memorial to Congress, asking to be received into the Union. This application for admission, before the people had determined whether they would adopt or reject the Constitution, though out of the usual course, was the less objectionable, because the Constitution put Congress in possession of the fact, that it was subject to be rejected, if such should be the pleasure of the qualified electors of the Territory, at the April election of the present year. That provision of the Constitution will be found in the sixth section of the thirteenth article in the following words: "This Constitution, together with whatever conditions may be made to the same by Congress, shall be ratified or rejected by a vote of the qualified electors of this Territory, at the Township Elections in April next, in the manner prescribed by the act of the Legislative Assembly, providing for holding this Convention: *Provided, however,* that the General Assembly of this State may ratify or reject any conditions Congress may make to this Constitution after the first Monday in April next."

Congress did make provision for the admission of Iowa, by an act,



entitled, "An act for the admission of the States of Iowa and Florida into the Union," in which will be found the following provision, "that it is made and declared to be a fundamental condition of the admission of the said State of Iowa into the Union, that so much of this act as relates to the said State of Iowa, shall be assented to by a majority of the qualified electors at their Township Elections, in the manner, and at the time prescribed in the sixth section of the thirteenth article of the Constitution adopted at Iowa City, the first day of November, Anno Domini eighteen hundred and forty-four, or by the Legislature of the said State." It will be seen that this provision of the act of Congress goes beyond the Constitution, in providing that the Legislature of the State may, as well as the qualified electors, assent to the provisions of that act; but it is difficult to comprehend how a Legislature of *the State* can assent to or reject terms of admission, the acceptance of which is "declared to be a fundamental condition," of our becoming a *State*.

The power to reject or accept the conditions upon which our entrance into the Union was made to depend, having been thus plainly presented to us, it is not easy to account for the fact that no poll was opened or vote taken at the April election, for or against the ratification of the conditions upon which Congress had provided for our admission. Owing to this unfortunate oversight, and without appearing to be aware of their right to accept or reject those conditions by a direct vote at the April election, a question was raised among the people, whether the adoption of the Constitution would, as a necessary consequence, carry with it the adoption of the boundary for the new State, proposed by Congress; or, in other words, the people did not seem to understand that they possessed the same right to vote upon, and accept or reject the boundaries, that they had in reference to the Constitution itself, and this confusion in the public mind, "there is reason to believe, had much influence in producing the rejection of the Constitution."

This view presents an outline of the proceedings in relation to our effort to obtain admission into the Union; out of them has arisen a necessity for further legislation to carry out the previously expressed wish of the people to throw off the Territorial Government, or to ascertain whether that wish is still entertained.

I had the honor, at the commencement of your present session, in my Message to the two Houses, to suggest the course of legislation which I thought best calculated to give general satisfaction in relation to this matter, and which, if adopted, would have enabled us, if such had appeared to be the will of the majority, to present anew to Congress, at the commencement of the next session, and wish to be admitted as a member of the Union. Of that particular course, however, I am not all tenacious. There is no Constitutional provision or established usage which should restrain a Territorial Legislature from directing polls to be opened for the purpose of ascer-



taining the will of the constituent body in relation to the adoption or rejection of any proposition for forming a Constitution, or adopting it after it had been formed, or to decide upon the terms imposed by Congress for their admission, when that power has been reserved by the Constitution, or conceded by Congress. The right to so legislate being admitted, the propriety of resubmitting the Constitution to the people by whom it has been so recently rejected, is between the people and their representatives; and the justification of it can only be found in the acknowledged fact that a great, if not a decisive, influence was produced, resulting in the rejection of that instrument, by a supposed connection between it and the question of boundary.

The adoption or rejection of the boundary ought to have been decided at the April election by a direct vote upon the conditions imposed by Congress upon our admission, as directed both by the Constitution and the act of Congress. It remains yet to be settled in some way before we can gain admittance into the Union. The first Monday in April having passed, the Constitution "as it came from the Convention," if it is adopted at the August election, will permit the Legislature of the State to accept any conditions which Congress subsequently to that time, may impose upon our admission into the Union, but that provision will be inoperative as to the conditions imposed by the act of Congress above referred to, because it was enacted before the first Monday in April, and they must, therefore, if the act remains in force, and effect is given to the Constitution, be ultimately met by a direct vote of the people.

The act under consideration declares in the eighth section, "that the admission of the State shall not be deemed complete until whatever conditions may be imposed by Congress shall be ratified by the people"—if the Constitution should be ratified at the August election, this provision of the act will be found to conflict with it. The people having failed to vote at the April election for or against the conditions upon which the act of Congress proposed to admit us, it would but be carrying into effect the provision of the Constitution, and of the act of Congress to allow the people to dispose of those conditions by a direct vote, at the same time that they are called upon to vote a second time for or against the adoption of the Constitution. Until that question is decided, we cannot become a State without the act of Congress referred to is repealed. I cannot, therefore, discover the propriety of withholding that question from the people. The Constitution provides for the submission of the two questions at the same election, and the neglect so to vote upon them has already given rise to much confusion.

The Constitution which this act provides for resubmitting to the people at the August election, has not assumed an obligatory force, and can only derive it from the adoption of the people; and although it may be a proper exercise of legislative authority to fix the time



and provide the manner of bringing it before the people, it is not in my opinion competent to the legislative power to alter or amend it in any particular, so as to control its operations, if it should be adopted by the people "as it came from the hands of the Convention." A direct attempt is made by this act to control several of its important provisions. The seventh section of the thirteenth article of the Constitution provides that "the first general election under this Constitution shall be held on the first Monday in August, next after the adoption of the Constitution by the people of the Territory. The eighth section of the act says that "no election for State officers shall be held under said Constitution if ratified at said election, until the admission of the State of Iowa is complete." Now if the Constitution "as it came from the hands of the Convention," is ratified by the people, at the August election, which will be the paramount law, the Constitution thus ratified, which says there shall be an election of State Officers on a certain day after its ratification by the people, or this act which attempts to abrogate that provision of the Constitution, by declaring that "no election of State Officers shall be held under said Constitution, if ratified, until the admission is complete?" This conflict between the Constitution and the Legislative act, would inevitably produce confusion, and if effect should be given to the act, when, and by what authority would the first general election under the Constitution be held? who would be authorized to declare the admission of the State of Iowa to be complete? Without such a power somewhere, and without a time fixed for holding the first general election under the Constitution, the organization of the State Government could not be effected, and we should probably be compelled to resort to the novel expedient of organizing a State Government by Territorial legislation, if perchance the Territorial Legislature had not ceased to exist when "the admission of the State of Iowa was complete." From such a state of things nothing but inextricable confusion and difficulty can result. A critical examination and comparison of this act with the Constitution will expose other discrepancies of less importance; but those already stated forbid me to give effect to the act by my official approbation.

JOHN CHAMBERS.

The question was then stated:

"Shall the act pass, the objections of the Governor notwithstanding?"

Mr. Downey made a motion,

To postpone the further consideration thereof until 2 o'clock P. M.

Mr. Davis made a motion,

To amend the motion by inserting 11 o'clock A. M.

Which was agreed to.

So the further consideration thereof was postponed until 11 o'clock A. M.



Mr. Taylor having given previous notice, and upon leave being granted, introduced,

No. 77 H. R. File, "Memorial for an appropriation to improve the Cedar and Wapsipinicon Rivers;"

Which was read a first time.

The 42nd rule was suspended, the Memorial read a second and third times, passed and the title agreed to.

Ordered, That the Council be informed thereof.

Mr. Taylor, from the Committee on Engrossed Bills, reported as correctly engrossed,

No. 20, H. R. File, "A Bill to amend 'an act to establish a system of Common Schools;' 'Approved January 16th, 1844.'"

Also,

No. 70, H. R. File, "A Bill to amend an act, entitled, 'An act to regulate the institution of suits by foreign Executors, Administrators and Guardians within this Territory.'"

Mr. Robertson, from the Committee on Claims, to whom they were referred,

Reported in favor of the claims of Thomas Snyder, J. S. Kimball, Read and Powell, and Jones and Powell;

The first three of which were severally concurred in, and the last was re-committed to the same Committee, with instructions to examine the accounts of the said "Jones and Powell," presented to former Legislatures.

The hour of 11 o'clock having arrived.

"An act to submit to the people the draft of a Constitution framed by the late Convention;"

With the message from the Council, was again taken up.

Mr. Downey made a motion,

To postpone the further consideration thereof until 2 o'clock P. M.

Which was decided in the negative,

Mr Downy presented the following request from Mr. Sheledy:

*To the Honorable the members of the House of Representatives of the Territory of Iowa:*

The undersigned, a member of said House, being closely confined to his room by severe indisposition, and feeling a deep interest in the fate of a bill providing for the re-submission of the Constitution to a vote of the people in August next, does most earnestly and respectfully ask your honorable body to appoint a Committee of the members of the House, to wait upon him at his lodgings, and receive his vote on said Bill.

[Signed,]

STEPHEN B. SHELEDY.

Iowa City, June 7th, 1845.

Which was decided by the Chair, to be out of order.



The following Message was then received from the Council by J. F. Kinney, their Secretary:

MR. SPEAKER,

I am directed to inform the House, that the Council have passed—

No. 54, C. File, "A Bill to relocate a part of a Territorial road, leading from Rockingham in Scott county to Moscow in Muscatine county;"

Also,

No. 56, C. File, "Memorial to Congress, for an appropriation to improve the Des Moines and Rock River Rapids in the Mississippi river.

Also with amendments—

No. 67, H. R. File, "A Bill to legalize the location of a Territorial Road, from Cascade in Dubuque county to O. A. Olmstead's Mill in Delaware county."

In which the concurrence of the House is requested.

The Council have passed—

No. 68, H. R. File, "Joint Resolution, to authorize the Clerk, of the Supreme Court to use a certain room in the Capitol for the purpose of a Clerk's Office;"

The Council have indefinitely postponed—

No. 58, H. R. File, "A Bill to establish the name of the town known as the town of Bloomington, in Muscatine county;"

The Council have concurred in the amendments of the House, to—

No. 37, C. File, "A Bill to provide for the election of an additional Justice of the Peace, in the Township of Fort Madison, in the County of Lee."

The Council have refused to concur in the amendments of the House to—

No. 19, C. File, "A Bill to amend an act, entitled, 'An act to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings,' 'Approved Feb. 9, 1839.'"

The Council have refused to concur in the first and third amendments of the House to—

No. 38, C. File, "A Bill to incorporate the Bloomington and Iowa City Rail Road Company;"

But have concurred in the second amendment to said Bill.

The Council have rejected—

No. 74, H. R. File, "A Bill for a supplement to an act, entitled, 'an act to Incorporate the University of Iowa City,' 'Approved 2nd day of June, 1845;'"



The Council have passed with amendments—

No. 51, H. R. File, "A Joint Resolution, instructing our Delegate in Congress, in regard to the Boundaries of the future State of Iowa;"

In which the concurrence of the House is requested.

I herewith present for your signature—

"A Joint Resolution, authorizing the Trustees of the Protestant Methodist Church, to convey their Church half lot in Iowa City, to the Trustees of the Iowa City College;"

And then he withdrew.

Said act was signed by the Speaker of the House of Representatives.

Mr. Munger made a motion to adjourn;

Which was decided in the negative.

The question "Shall the act, entitled 'An act to submit to the people the draft of a Constitution framed by the late Convention;' pass—the objections of the Governor to the contrary notwithstanding?"

And decided in the affirmative, by a Constitutional majority.

Yeas 16, nays 8.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Chandler, Coy, Davis, Hancock, Harper, Huner, Johnson, Lester, McCleary, Montague, Murdock, Snyder, Taylor, Wilson, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Anderson, Clifton, Downey, Munger, Noble, Robertson, Stewart and Woodworth.

Ordered, That the Clerk inform the Council thereof.

On motion of Mr. Johnson,

No. 51, H. R. File, "Joint Resolution, instructing our Delegate in Congress, in regard to the Boundaries of the future State of Iowa,"

Was taken up, and the amendment of the Council agreed to.

Mr. Wilson, having given previous notice, and upon leave being granted, introduced

No. 78, H. R. File, "A Bill to repeal 'An act repealing a portion of an act to locate and establish a Territorial road from the town of Dubuque to Camp Atkinson,' 'Approved Jan. 13th 1841,' and providing for the relocation of said road;"

Which was read a first time.

On motion of Mr. Wilson,

The 42nd rule was suspended, the Bill read a second and third times, passed, and the title agreed to.



Ordered, That the Council be informed thereof.

Mr. Banks, from the Committee to whom it was referred reported—

No. 26, C. File, "A Bill to authorise James Davis to keep a Ferry across the Mississippi River ;"

With a substitute for the original Bill ;

Which was read a first time.

On motion of Mr. Banks,

The 42nd rule was suspended, the Bill read a second and third times, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Hancock from the Committee to whom it was referred, reported—

No. 21, C. File, "A Memorial to Congress, for the purpose of obtaining a grant of Land for the improvement of the Des Moines river ;"

Without amendment.

On motion of Mr. Hancock,

The 42nd rule was suspended, the Bill read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

Mr. Murdock, from the Committee on the Judiciary to whom they were referred, reported—

No. 41, C. File, "A Bill to divorce Amelia Scanlin, from her husband, Thomas Scanlin ;"

And,

No. 43, C. File, "A Bill to divorce Silas Deeds of Jefferson county from his wife Lucy Ann Deeds,"

And recommend their indefinite postponement.

On motion of Mr. Chandler,

They were laid on the table.

Mr. Chandler from the Committee to whom it was referred, reported—

No. 27, C. File, "A Bill to amend 'An act, to provide for levying a tax on real and personal property for road purposes,' 'Approved Feb. 16th, 1842,'"

With an amendment, which was agreed to.

On motion of Mr. Chandler,

The 42nd rule was suspended, the Bill read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 54, C. File, "A Bill to relocate a part of a Territorial road,



leading from Rockingham in Scott county to Moscow in Muscatine county,"

Was read a first time.

On motion of Mr. Banks,

Ordered, That the 42nd rule be suspended, and the Bill read a second and third times now.

The Bill was read a second and third times, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

The following Message was received from the Council, by J. F. Kinney, their Secretary.

MR. SPEAKER,

I am directed to inform the House, that the Council have passed—

No. 58, C. File, "Joint Resolution to provide for the printing of the laws."

In which the concurrence of the House is requested.

The Council have reconsidered the vote rejecting,

No. 74, H. R. File, "A Bill for a supplement of an act, entitled, 'An act to Incorporate the University of Iowa,' 'Approved, 2nd day of June, 1845;'"

And have passed said Bill.

And then he withdrew.

No. 56, C. File, "Memorial to Congress for an appropriation to improve the Des Moines and Rock River Rapids in the Mississippi river,"

Was read a first time.

On motion of Mr. Anderson,

The 42nd rule was suspended, the Bill read a second and third times, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Munger, from the Committee on Enrolled Bills, reported as correctly enrolled—

"An act to Incorporate and establish the City of Burlington, and for revising and repealing all laws and parts of Laws, heretofore enacted, on that subject."

"An act to locate a Teritorial road from Washington county to Miles B. Friends' in Keokuk county," and a

"Supplement to an act to Incorporate the University of Iowa City, Approved 2nd day of June, 1845."

No. 19, C. File, "A Bill to amend an act, entitled, 'An act amendatory of, an act to provide for the election of Justices of the Peace, to prescribe their duties and powers, and to regulate their proceedings,' 'Approved Feb. 9th, 1839;'"



Having been sent back from the Council, with their refusal to concur in the amendments made by the House;

Mr. Snyder made a motion, to insist upon the amendments;

Which was decided in the negative.

Mr. McCleary, made a motion,

To adhere—and that a Committee of conference be appointed;

Which was decided in the negative.

On motion of Mr. Murdock,

The Bill was laid on the table.

On motion of Mr. Murdock,

Ordered that the House do now adjourn.

## 2 O'CLOCK, P. M.

Mr. Downey presented the account of John Larue for wood—amounting to \$100 00,

Also,

The account of Henry Felkner, for fifty cords of hickory wood, at \$1 62 1-2 per cord—\$81 25.

Both of which were referred to the Committee on Claims.

No 38, C. File, 'A Bill to Incorporate the Bloomington and Iowa City Rail Road Company;'

Having been returned from the Council, with their disagreement to the first and third amendments of the House.

Mr. Banks, made a motion,

To recede from the first amendment;

Which was decided in the negative,

Yeas 8, nays 12.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Banks, Chandler, Downey, Harper, Huner, McCleary, and Robertson.

Those who voted in the negative, are

Messrs. Clifton, Coy, Davis, Johnson, Lester, Montague, Munger, Murdock, Snyder, Taylor, Wilson, and Morgan, Speaker.

Mr. Downey made a motion,

To recede from the third amendment;

Which was decided in the negative.

Yeas 6, Nays 13.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Clifton, Downey, McCleary, Munger, and Robertson.

Those who voted in the negative, are



Messrs. Chandler, Coy, Davis, Harper, Huner, Johnson, Lester, Montague, Murdock, Snyder, Taylor, Wilson, and Morgan, Speaker.

No. 58, C. File, "A Joint Resolution to provide for the printing of the Laws,"

Was read a first time.

On motion of Mr. Taylor,

The 42nd rule was suspended, and the Resolution read a second time.

On motion of Mr. Taylor,

The Resolution was amended by striking out the words, "twelve and a half," and inserting "ten."

Mr. Robertson made a motion,

To refer the Resolution to a select Committee;

Which was decided in the negative.

On motion of Mr. Clifton,

The 42nd rule was suspended, the Resolution read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

The following Message was then received from the Council by J. F. Kinney their Secretary.

MR. SPEAKER,

I am directed to inform the House, that the Council have passed—

No. 50, C. File, "A Bill for the relief of James Davis, and James W. Tallman, former sheriffs of Muscatine and Cedar counties;

Also,

No. 55, C. File, "A Bill to provide for the payment of the debt due to the Miners' Bank of Dubuque;"

In which the concurrence of the House is requested.

The Council have, also, passed, with amendments,

No. 52, H. R. File, "A Bill to prevent and punish the owners and masters of Steam Boats, committing trespass upon the property of persons living in this Territory, and for other purposes;"

Also, with amendments,

No. 64, H. R. File, "A Bill to amend an act, entitled, 'an act concerning Bail,' 'Approved January 25th, 1839;'"

The Council have concurred in the amendments of the House to—

No. 4, C. File, "A Bill to establish a Territorial road, from Bloomington to the county line of Scott county, near the present road leading to Davenport."

And then he withdrew.

On motion of Mr. Robertson,

The Message was taken up.

No. 50, C. File, "A Bill for the relief of James Davis, and James



W. Tallman, former sheriffs of Muscatine and Cedar counties;"

Was read a first time.

On motion of Mr. Banks,

The 42nd rule was suspended, and the Bill read a second time, and referred to a select Committee, with instruction to report on Monday morning.

Messrs. Snyder, Banks, and Taylor, were appointed said Committee.

No. 55, C. File, "A Bill to provide for the payment of the debt due to the Miner's Bank of Dubuque;"

Was read a first time.

On motion of Mr. Wilson,

The 42nd rule was suspended, the Bill read a second time, and referred to the Committee on the Judiciary, with instruction to report on Monday morning next.

Mr. Banks having given previous notice, and upon leave being granted, introduced,

No. 79, H. R. File, "Joint Resolution providing for the care of public property;

Which was read a first time.

On motion of Mr. Taylor,

The 42nd rule was suspended, and the Bill read a second and third times, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 73, H. R. File, "A Bill requiring persons commencing suits in Court to give security for costs,"

Was read a second time; and,

On motion of Mr. Anderson,

Laid on the table.

No. 51, C. File, "A Bill to amend an act, entitled, 'An act organizing a Board of County Commissioners in each county;' 'Approved Feb. 15th, 1843;'"

Was read a second time.

On motion of Mr. Taylor,

The 42nd rule was suspended, the Bill read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 48, C. File, "A Bill to establish a Territorial Road in the Counties of Van Buren and Davis;"

Was read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.



No. 20, H. R. File, "A Bill to amend 'An act to establish a system of Common Schools,' 'Approved January 16th, 1844;'"

Was read a third time.

The question, was then put,

"Shall the Bill pass?"

And decided in the affirmative.

Yeas 11, Nays 10.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Chandler, Clifton, Davis, Huner, Johnson, Munger, Noble, Snyder, Taylor, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Anderson, Coy, Downey, Harper, Lester, McCleary, Montague, Murdock, Robertson, and Wilson,

Ordered, That the Council be informed thereof.

On motion of Mr. Anderson,

No. 24, C. File, "Joint Resolution providing for the adjournment of the Legislative Assembly,"

Was taken from the table.

On motion of Mr. Morgan,

The Resolution was amended by striking out the word, "next," and inserting the word "instant."

On motion of Mr. Robertson,

The 42nd rule was suspended, the Resolution read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Montague,

No. 59, H. R. File, "A Bill to provide for the punishment of offences against chastity, morality, and decency;"

Was taken from the table.

The 42nd rule suspended, the Bill read a third time, and passed.

Yeas 12, Nays 9.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Clifton, Davis, Downey, Harper, Johnson, Lester, McCleary, Montague, Murdock, Robertson, and Taylor.

Those who voted in the negative, are

Messrs. Anderson, Chandler, Coy, Huner, Munger, Noble, Snyder, Wilson, and Morgan, Speaker.

On motion of Mr. M'Cleary,

"Resolved that the Hon. James M. Morgan be allowed three dol-



fars per day, for his services as Speaker of the House of Representatives at the present session, and that the Secretary be authorized to pay the same."

The following Message was then received from the Council by J. F. Kinney, their Secretary:

MR. SPEAKER:

I herewith present for your signature—  
"An act to establish a Territorial road from the western line of Washington county to the Widow Fry's on Old Man's Creek."

And then he withdrew.

Said act was signed by the Speaker of the House of Representatives.

On motion of Mr. Taylor,  
No. 41, C. File, "A Bill to divorce Amelia Scanlin, from her husband, Thomas Scanlin;"

And,  
No. 43, C. File, "A Bill to divorce Silas Deeds of Jefferson county from his wife Lucy Ann Deeds;"

Were taken from the table.

On motion of Mr. Wilson;

The House adjourned.

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MONDAY MORNING, 10 O'CLOCK,

June the 9, A. D. 1845.

The following Message was received from the Council, by J. F. Kinney, their Secretary:

MR. SPEAKER:

I am directed to inform the House, that the Council have passed, with amendments:—

No. 65, H. R. File, "A Bill to authorise Duncan McGregor, to keep a ferry across the Mississippi river in the County of Clayton,"

Also,

No. 56, H. R. File, "A Bill to amend "An act relative to the Probate of Wills, Executors, Administrators, Guardians, Trustees of Minors, and Probate Courts, and for defining their duties," "Approved Feb. 13, 1843,""



In which the concurrence of the House is requested.

I herewith present for for your signature :

“ Joint Resolution, providing for an examination into the affairs of the Penitentiary.”

I am directed to inform the House, that James Brierly has been appointed a Committee on the part of the Council, to act with a Committee on the part of the House, to examine into the affairs of the Penitentiary.

The Council have concurred in the amendments of the House, to—

No. 4, C. File, “A Bill to establish a Territorial Road from Bloomington to the county line of Scott county, near the present road leading to Davenport ;”

And then he withdrew.

The said act was then signed by the Speaker of the House of Representatives.

Mr. Harper presented the petition of 40 persons, praying for the organization of Kishkekosh county ;

Which was referred to the Delegate from Wapello county.

Mr. Munger, from the Committee on Enroled Bills, reported as correctly enroled :

“ An act to relocate the Seat of Justice of Lee county ;”

Which was signed by the Speaker of the House of Representatives.

Mr. Downey presented the account of Hepburne and Shoup, for cutting wood for Library—\$18 00 ;

Which was referred to the Committee on Claims.

Also,

The account of A. P. Woods, for Papers—\$80 60 ;

Which was referred to the Committee on Expenditures.

Mr. Anderson having given previous notice, and upon leave being granted, introduced,

No. 81, H. R. File, “ Joint Resolution, instructing our Delegate in Congress, to use his influence for an appropriation to repair the Bridge on Devil Creek, in Lee county ;”

Which was read a first time.

Ordered that the 42nd rule be suspended, and the Resolution be read a second and third times now.

The Resolution was then read a second and third times, passed, and its title agreed to.

Ordered that the Council be informed thereof.

Mr. Davis, having given previous notice, and upon leave being granted, introduced,



No. 82, H. R. File, "A Joint Resolution, supplementary to a Joint Resolution adopted by the Council and House of Representatives, for the appointment of a Committee to examine into the affairs of the Penitentiary ;"

Which was read a first time.

On motion of Mr. Davis,

The 42nd rule was suspended, the Resolution read a second and third times, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Harper, from the Committee to whom the petition of 40 persons, praying for the organization of Kishkekosh county, was referred, reported :

No. 83, H. R. File, "A Bill to organize the 'County of Kishkekosh,' and to provide for the location of the Seat of Justice thereof ;"

Which was read a first time.

On motion of Mr. Hancock,

The 42nd rule was suspended, the Resolution read a second and third times, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Robertson, from the Committee on Claims, to whom the several accounts hereafter named, were referred, reported as follows :

The Committee on Claims, to whom was referred, the claim of John Larue, for Wood furnished the Legislative Assembly, as per contract under date of December 1st, 1844—fifty-five cords, at \$1,62 1-2 per cord,

\$89,37 1-2
-------------

To hauling goods from Bloomington, as per Secretaries receipt,

7 00
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\$96,37 1-2

Also, the claim of Henry Felkner, for Wood furnished the Legislative Assembly, as per contract under date of March 17th, 1843—fifty cords, at \$1,62 1-2 per cord,

\$81,25
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Also, the claim of S. J. Burr, for amount paid Bridgman Brothers, for articles furnished the Legislative Assembly,

\$58,25
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Also, the claim of Wesley Jones, for articles furnished the Legislative Assembly, as per bill rendered, bearing date June 2nd, 1845,

\$24,59
---------

Also, the claim of Sam'l. Isaacs, of New York, for Stationary furnished Legislature, present session, as per agreement with the Secretary, under date of the 28th March, 1845—amounting to \$185,50,

Have had the same under consideration, and have authorized me to report the following resolution :



"Resolved, That the individuals herein named, be allowed the sums affixed to their respective names, viz: To John Larue the sum of \$96,37 1-2—to Henry Felkner the sum of \$81,25—to S. J. Burr the sum of \$58,25—to Wesley Jones the sum of \$24,59—to Sam'l. Isaacs the sum of \$185,50."

The report was concurred in, and the resolution adopted.

Mr. Murdock, from the Committee on the Judiciary, to whom it was referred, reported—

No. 55, C. File, "A Bill to provide for the payment of the debt due to the Miners' Bank of Dubuque;"

Without amendment.

On motion of Mr. Wilson,

The 42nd rule was suspended, the Bill read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

Mr. Davis, having given previous notice, and upon leave being granted, introduced—

No. 84, H. R. File, "A Bill to attach the country ceded to the United States by the Sac and Fox Indians, in 1842, to the adjacent counties;"

Which was read a first time.

Ordered that the 42nd rule be suspended, and the Bill read a second and third times now.

The Bill was so read, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Murdock made a motion,

To reconsider the vote taken on the passage of,

No. 24, C. File, "Joint Resolution providing for the adjournment of the Legislative Assembly,"

Which was decided in the affirmative.

On motion of Mr. Murdock,

The vote ordering said Bill to a third reading was reconsidered.

On motion of Mr. Murdock,

The Bill was amended by striking out "10th," and inserting "11th."

On motion of Mr. Murdock,

The 42nd rule was suspended, and the Resolution read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

Mr. Downey having given previous notice, and upon leave being granted, introduced,



No. 85, H. R. File, "Joint Resolution providing for a relocation of a certain Road:"

Which was read a first time.

Ordered that the 42nd rule be suspended, the Resolution read a second time.

The Resolution was so read, and referred to the Delegation from Johnson and Muscatine counties.

Message from the Council was then taken up.

No. 65, H. R. File, "A Bill to authorize Duncan McGregor to keep a Ferry across the Mississippi River, in the county of Clayton;"

Being returned from the Council, passed with amendments; was,

On motion of Mr. Murdock,

Postponed until 2 o'clock P. M.

No. 56, H. R. File, "A Bill to amend 'An act relative to the Probate of Wills, Executors, Administrators, Guardians, Trustees of Minors' and Probate Courts, and for defining their duties.' 'Approved Feb. 13, 1843.'"

Was taken up, and the amendments made by the Council agreed to.

No. 41, C. File, "A Bill to divorce Amelia Scanlin from her husband Thomas Scanlin,"

Was read a second time.

On motion of Mr. Clifton,

The 42nd rule was suspended, and the Bill read a third time.

The question was then put,

"Shall the Bill pass?"

And decided in the affirmative,

Yeas 11, Nays 8.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Clifton, Downey, Hancock, Huner, McCleary, Munger, Noble, Robertson, Stewart, and Woodworth.

Those who voted in the negative, are

Messrs. Banks, Johnson, Lester, Murdock, Snyder, Taylor, Wilson, and Morgan, Speaker.

No. 43, C. File, "A Bill to divorce Silas Deeds, of Jefferson county, from his wife, Lucy Ann Deeds;"

Was read a second time.

Mr. Murdock made a motion,

To amend the Bill by inserting the following: "Provided, That said Lucy Ann Deeds, shall be entitled to one third of all the real property of said Silas Deeds, and one half of his personal property;"

Which was agreed to.



Mr. Wilson made a motion,  
To lay the Bill on the table ;  
Which was decided in the negative.

On motion of Mr. Taylor,  
The 42nd rule was suspended, and the Bill read a third time.

On motion of Mr. Munger,  
The Bill was laid on the table,  
No. 70, H. R. File, "A Bill to amend an act, entitled, 'An act, to regulate the institution of suits by foreign Executors, Administrators, and Guardians, within this Territory ;' Approved December 20th, 1839 ;"

Was read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Johnson having given previous notice, and upon leave being granted, introduced,

No. 86, H. R. File, "A Bill to provide for the compensation of members and officers of both Houses, at the present session, and for other purposes ;"

Which was read a first time.

On motion of Mr. Johnson,  
The 42nd rule was suspended, the Bill read a second time, referred to a Committee of the Whole House, and made the order of the day for this afternoon.

Mr. Johnson presented the account of Williams & Palmer, for printing ;

Which was referred to the Committee on Expenditures.

On motion of Mr. Johnson,  
The House adjourned.

## 2 O'CLOCK, P. M.

No. 86, H. R. File, "A Bill to provide for the compensation of members and officers of both Houses of the present session, and for other purposes ;"

Being the order of the day, for this hour was considered in Committee of the Whole House ; Mr. Davis in the Chair ;

After some time spent therein,

Mr. Speaker resumed the Chair, and the Chairman reported that the Committee had, according to order, had the Bill under consideration, made some progress therein, and asked leave to sit again to-morrow.

Which was granted.

On motion of Mr. Downey,  
No. 54, H. R. File, "Joint Resolution, to instruct the Territorial Agent to inclose the Capitol Square in Iowa City ;"



Was taken from the table, and the amendment of the Committee agreed to.

Mr. Taylor made a motion,

To amend, by striking out all that part of the Resolution which relates to fencing said square.

Which was decided in the affirmative.

Mr. Davis made a motion,

To amend, by striking out the word "lots," and inserting "rocks ;"

Which was decided in the affirmative.

Mr. Lester made a motion,

To postpone the Resolution indefinitely ;

Which was decided in the negative.

Mr. Taylor made a motion,

To refer the Resolution to the Committee on Public Buildings ;

Which was decided in the negative.

The question was then put,

"Shall the Resolution pass ?"

And decided in the negative.

Yeas 9, Nays 13.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Clifton, Davis Downey, Harper, Huner, McCleary, Noble, and Stewart.

Those who voted in the negative, are

Messrs. Banks, Coy, Hancock, Johnson, Lester, Montague, Munger, Murdock, Robertson, Snyder, Taylor, Woodworth, and Morgan, Speaker.

On motion of Mr. Anderson.

No. 73, H. R. File, "A Bill requiring persons commencing suits in Courts, to give security for costs ;"

Was taken from the table.

The 42nd rule was suspended, and the Bill read a third time.

The question, was then put,

"Shall the Bill pass ?"

And decided in the negative.

Yeas 10, Nays 11.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Clifton, Coy, Davis, Downey, Huner, Robertson, Stewart, Taylor, and Woodworth.

Those who voted in the negative, are



Messrs. Anderson, Hancock, Harper, Johnson, Lester, McCleary, Montague, Munger, Murdock, Snyder, and Morgan, Speaker.

No. 65, H. R. File, "A Bill authorizing Duncan McGregor to keep a Ferry across the Mississippi River, in the county of Clayton;"

Having been returned from the Council, with amendments, was taken up, and the amendments disagreed to.

Mr. McCleary made the following report:

The Committee on Ways and Means, to whom was referred a Resolution of the House, instructing said Committee to inquire into the indebtedness of the Territory, to whom owing, and the kind of means to pay the same; have, according to order, had the same under consideration; and would respectfully report: That the Committee have examined the several Reports of the Auditor of Public Accounts, Territorial Agent, and Treasurer, and have consulted with said Officers in relation to the subject, and from all the information they have been able to obtain, your Committee cannot arrive at the exact amount of indebtedness of the Territory, in consequence of the payment of a considerable amount of outstanding Warrants for the debt of the Penitentiary, which have been canceled by A. H. W. Stull, late Secretary of the Territory, which was paid out of an appropriation made by Congress in the year 1842, for the completion of the Penitentiary.—The Secretary not being required by law to produce his vouchers to, or inform the Territorial Officers of the amount so paid by him, said Officers are unable to give any account of the amount so paid, but suppose it to have been Ten or Twelve Thousand Dollars.

Your Committee, from such Reports as have been made to this House, find the state of the accounts of the Territory to be as follows:

Amount of debt 6th December, 1843,	-	-	\$13,154 25
Warrants issued since that time,	-	-	5,661 31

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\$18,215 56

Warrants canceled and payments made by Territorial Treasurer,	-	-	5,257 10
Amount remaining in the Treasury,	-	-	142 55
Amount supposed to be paid by Stull,	-	-	12,000 00
			<hr/> 17,399 65

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815 91

In addition to the above, an act has passed the present session, providing for the Auditing of the expenses of the Convention; which

are as follows: Per diem of Members,	5,616 00
Mileage of do.	1,746 00
Printing and other contingent expenses,	1,323 20
	<hr/> 8,682 20

Total amount of debts,	-	-	\$9,498 11
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Amount due Territory from the several counties, as per Report, - - - - - 4,897 98

\$4,590 13

Debt of the Territory now due, after deducting the amount due from the several counties of the Territory, - - - - - \$4,590 13

In addition to the above, there are several debts due and owing for carrying on the Public Building at the Capitol, and which the Committee did not take into consideration, as they are not debts of the Territory, but are payable out of the funds arising from the sale of Lots in Iowa City.

Your Committee are clearly of opinion that, with the necessary increase of taxable property in this Territory, all the outstanding debts of the Territory will be paid off in the course of a year or two, without any increase of the Territorial tax.

All of which is respectfully submitted.

G. W. McCLEARY, Chairman."

Mr. Snyder, from the Committee to whom it was referred, reported—

No. 50, C. File, "A Bill for the relief of James Davis, and James W. Tallman, former sheriffs of Muscatine and Cedar counties;"

And recommended its indefinite postponement.

On motion of Mr. Banks,

The Bill was laid on the table.

Mr. Downey reported in favor of the passage of—

No. 85, H. R. File, "Joint Resolution providing for a relocation of a certain Road."

On motion of Mr. Banks,

The Resolution was amended, by striking out the name of "Edward E. Fay," and inserting that of "Samuel Lucas."

The 42nd rule was suspended, the Resolution read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

The following Message was received from the Council, by J. F. Kinney, their Secretary.

MR. SPEAKER,

I herewith present for your signature—

"An act to provide for the election of an additional Justice of the Peace, in Madison Township, in the county of Lee."

"An act to establish a Territorial Road from Bloomington to the county line of Scott county, near the present road leading to Davenport."



"An act for the relief of William B. Snyder."

"An act to establish a Territorial Road in the counties of Van Buren and Davis."

"An act to relocate a part of the Territorial Road leading from Rockingham, in Scott county, to Moscow, in Muscatine county."

"A Memorial to Congress, for the purpose of obtaining a Grant of Land, for the improvement of the Des Moines River."

Also,

"A Memorial to Congress, for an appropriation to improve the Des Moines and Rock River Rapids, in the Mississippi River."

I herewith return,

"A supplement to an act, entitled 'an act to Incorporate the University of Iowa City;' Approved the 2d day of June, 1845;"

Which have been signed by the President of the Council.

And then he withdrew.

The foregoing acts were severally signed by the Speaker of the House of Representatives.

Mr. Munger, from the Committee on Enrolments, reported the following acts as correctly enroled:

"An act for the Organization of the county of Iowa."

"An act to relocate the Seat of Justice of Lee county."

"An act amendatory of 'An act to provide for changing the venue in civil and criminal cases;' 'Approved 13th February, 1843.'"

"An act to legalize the location of a Territorial Road, from Cascade, in Dubnque county, to O. H. Olmsted's Mills, in Delaware county."

"Joint Resolution, to authorize the Clerk of the Supreme Court to use a certain room in the Capitol, for a Clerk's Office."

"Supplement of an act, entitled, 'an act to Incorporate the University of Iowa;' 'Approved 2d day of June, 1845.'"

On motion of Mr. Robertson,

The House adjourned until 9 o'clock to-morrow morning.

TUESDAY MORNING, 9 O'CLOCK.

June the 10, A. D. 1845.

Mr. Lester introduced the following:

"Resolved, That Wm. Thompson be, and he is hereby authorized, to superintend the Printing, Indexing, and distribution, of the Jour-



nals of this House, and that he be allowed the sum of three hundred dollars for such services."

Mr. Johnson made a motion,

To amend the Resolution, by striking out the words "three hundred," and inserting the words, "two hundred."

Mr. Robertson made a motion,

To amend, by inserting "one hundred and fifty."

A division of the question was ordered.

The question was then put,

On striking out the words "three hundred,"

And decided in the affirmative.

Mr. Wilson made a motion,

To fill the blank with "two hundred and fifty;"

Which was decided in the affirmative.

Yeas 16, Nays 6.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Clifton, Coy, Davis, Hancock, Harper, Huner, Lester, McCleary, Montague, Munger, Murdock, Stewart, Wilson, Woodworth, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Anderson, Downey, Johnson, Robertson, Snyder, and Taylor.

The Resolution, as amended, was adopted.

Mr. Johnson Reported the accounts of Messrs. Palmer and Williams;

Also,

The account of Wm. Crum;

Which were agreed to.

Mr. Munger, from the Committee on Enrolments, reported as correctly enroled, the following acts:

"An act to amend an act, entitled, 'An act concerning bail;' Approved ———— 25th, 1839."

"Joint Resolution instructing our Delegate in Congress, in regard to the Boundaries of the future State of Iowa."

"Joint Resolution, to authorize the Clerk, of the Supreme Court to use a certain room in the Capitol for the purpose of a Clerk's Office;"

"Joint Resolution instructing the Secretary to pay the Widow of the late James Leonard, the full amount of his *per diem*, for this entire Session;"

"An act for the Organization of the county of Iowa."



"An act amendatory of 'An act to provide for changing the venue in Civil and Criminal cases;' Approved 13th Feb., 1843."

"Memorial to Congress, praying an appropriation for the purpose of building a bridge across the Turkey River, in the County of Clayton,"

"An act to legalize the location of a Territorial Road from Cascade, in Dubuque county, to O. H. Olmstead's Mill, in Delaware county."

"An act to amend 'An act relative to the Probate of Wills, Executors, Administrators, Guardians, Trustees of Minors, and Probate Courts, and for defining their duties,' 'Approved Feb. 13, 1843,'"

"An act to prevent and punish the owners and masters of Steam Boats, committing trespass upon the property of persons living in this Territory, and for other purposes."

"An act to Organize the county of Marion."

"Joint Resolution, providing for the appointment of a Fiscal Agent."

"An act to authorize the Board of Commissioners of Muscatine county, to License certain Ferries, across the Mississippi River."

Mr. Johnson presented the account of Samuel C. Trobridge, Post Master, for Postage, amounting to \$175 92 1-2.

Mr. Robertson made a motion,

To refer the account to the Committee on Expenditures.

Which was decided in the negative.

Mr. Hancock, having given previous notice, and upon leave being granted, introduced,

No. —, H. R. File, "Joint Resolution, providing for the appointment of a Fiscal Agent;"

Which was read a first time.

On motion of Mr. Taylor,

The 42nd rule was suspended, the Resolution read a second and third times, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

The following Message was received from the Council, by J. F. Kinney, their Secretary:

MR. SPEAKER:

I am directed to inform the House, that the Council have passed—

No. 60, C. File, "A Bill to authorize Henry Swan, Administrator of the Estate of David Duke, late of the county of Henry, deceased, to convey certain Lands;"

Also,

No. 63, C. File, "A Bill to prevent and punish the obstruction of Public Roads and Highways;"



Also,

No. 62, "Joint Resolution, relative to the distribution of the Laws;"

In which the concurrence of the House is requested.

The Council have agreed to the amendments of the House, to—

No. 27, C. File, "A Bill to amend 'An act to provide for the levying a tax on real and personal property for road purposes,' 'Approved Feb. 16th, 1842,'"

Also, to the substitute of the House, to—

No. 26, C. File, "A Bill to authorise James Davis to keep a Ferry across the Mississippi River;"

The Council have appointed Messrs. Brierly and Summers a Committee on the disagreeing vote of the two House, to—

No. 38, C. File, "A Bill to Incorporate the Bloomington and Iowa City Rail Road Company;"

The Council have concurred in the amendments of the House to—

No. 58, C. File, "Joint Resolution to provide for the printing of the laws."

The Council have passed,

No. 48, H. R. File, "A Bill to amend an act to punish for trespass on School lands,"

Also,

No. 79, H. R. File, "Joint Resolution providing for the care of public property at the Capitol;

Also,

No. 84, H. R. File, "A Bill to attach the country ceded to the United States by the Sac and Fox Indians, in 1842, to the adjacent counties;"

Also,

No. 81, H. R. File, "Joint Resolution, instructing our Delegate in Congress, to use his influence for an appropriation to repair the Bridge on Devil Creek, in Lee county;"

Also, with amendments,

No. 61, H. R. File, "A Bill to Organize the County of Marion,"

Also,

No. 78, H. R. File, "A Bill to repeal 'An act repealing a portion of an act to locate and establish a Territorial road from the town of Dubuque to Camp Atkinson,' 'Approved Jan. 13th 1841,' and providing for the relocation of said road;"

Also, with amendments.

No. 77 H. R. File, "Memorial for an appropriation to improve the Cedar and Wapsipinicon Rivers;"

The Council have concurred in the amendments of the House, to—

No. 24, C. File, "Joint Resolution providing for the adjournment of the Legislative Assembly,"



The Council have passed, without amendments—

No. 83, H. R. File, "A Bill to organize the 'County of Kishkekosh,' and to provide for the location of the Seat of Justice thereof;"

I also return—

"An act to relocate the Seat of Justice of Lee county;"

Which has been signed by the President of the Council.

And then he withdrew.

Mr. Robertson, from the Committee on Claims, made the following report:

"The Committee on Claims to whom was referred the claim of J. S. Kimball, for paper, amounting to \$47 50, have deducted \$5 from the amount, and recommend that he be allowed \$42 50 cents, on account of the deficiency in the quality of the paper.

The Committee on Claims, to whom was referred the claim of Powell & Jones, for article furnished the Legislative Assembly in May, 1845, amounting to \$29 46 have examined said claim, and recommend that \$29 46 be allowed.

The Committee on Claims, have had under consideration—the claim of Wm. Sheets & Co., of Indiana, of a balance amounting to \$52 00, for paper furnished the Legislative Assembly in 1841, and recommend that said bill be postponed until the meeting of the Legislature in December next, and that the present Chairman of the Committee on Claims be requested, to write to Mr. Stull, the former Secretary, for information as to the account.

The Committee on Claims have also had under consideration the account of Wm. Crum, for a balance of a bill for printing for the sessions of '42 and '43, amounting to \$111 87 1-2 cents, and report the same to the House, as rejected by the Committee;"

Which was agreed to.

On motion of Mr. Wilson,

That part of Mr. Robertson's Report, which relates to the account of Powel and Jones, was recommitted to the Committee on Claims.

Mr. Robertson, from said Committee, reported the said account back, with a reduction of \$15 00;

Which was agreed to.

The Message from the Council was then taken up.

No. 60, C. File, "A Bill to authorize Henry Swan, Administrator of the Estate of David Duke, late of the county of Henry, deceased, to convey certain Lands;"

Was read a first time.

On motion of Mr. Munger,

The 42nd rule was suspended, the Bill read a second and third times, passed, and its title agreed to.



No. 63, C. File, "A Bill to prevent and punish the obstruction of Public Roads and Highways ;"

Was read a first time.

On motion,

The 42nd rule was suspended, the Bill read a second and third times, passed, and its title agreed to.

No. 62, C. File, "Joint Resolution relative to the distribution of the Laws ;",

Was read a first time.

On motion of Mr. McCleary,

The 42nd rule was suspended, and the Bill read a second time.

On motion of Mr. Murdock,

The Resolution was referred to a select Committee of five.

Messrs. Murdock, Taylor, McCleary, Robertson, and Hancock, were appointed said Committee.

The Chair appointed Messrs. Wilson and Banks a Committee of Conference, on the part of the House, on the disagreeing vote of the two Houses, to—

No. 38, C. File, "A Bill to incorporate the Bloomington and Iowa City Rail Road Company ;"

No. 61, H. R. File, "A Bill for the Organization of the county of Marion ;"

Was taken up, and the amendments made by the Council agreed to.

No. 77, H. R. File, "Memorial for an appropriation to improve the Cedar, Maquokities and Wapisipenicon Rivers ;"

Was taken up, and the amendments of the Council agreed to.

No. 78, H. R. File, "A Bill to repeal an act, repealing a portion of an act, to locate and establish a Territorial Road from the town of Du Buque to Camp Atkison ;"

Was taken up, and the amendments made by the Council agreed to.

The following Message was then received from the Council, by J. F. Kinney, their Secretary:

MR. SPEAKER:

I am directed to inform the House, that the Council have passed—

No. 70, H. R. File, "A Bill to amend an act, entitled, 'An act, to regulate the institution of suits by foreign Executors, Administrators, and Guardians, within this Territory ;' Approved December 20th, 1839 ;"

Also,

No. 82, H. R. File, "A Joint Resolution, supplementary to a Joint Resolution adopted by the Council and House of Representa-



tives, for the appointment of a Committee to examine into the affairs of the Penitentiary ;”

I herewith return—

“An act to Incorporate and establish the City of Burlington, and for revising and repealing all laws and parts of laws heretofore made on the subject ;” the same having been signed by the President of the Council.

I am also directed to inform the House, that the Council have passed—

No. 80, H. R. File, “Joint Resolution, providing for the safe keeping of the property, belonging to the Capitol, and for other purposes.”

I herewith return—

“An act to provide for the better settling and adjudicating of the several titles set up to the Half Breed Lands in the County of Lee ;”

With a Message from His Excellency, the Governor, vetoing the same.

And, I am directed to inform the House, that said act has been passed by a unanimous vote of the whole Council.

I am also directed to inform the House, that the Council have passed—

No. 87, H. R. File, “Joint Resolution, providing for the appointment of a Fiscal Agent.”

The Council have adhered to their amendments made to—

No. 65, H. R. File, “A Bill to authorise Duncan McGregor, to keep a ferry across the Mississippi river in the County of Clayton,”

And have appointed Messrs, Coop and Brierly, a Committee on the disagreeing vote of the two Houses.

I herewith present for your signature—

“An act to amend ‘An act, to provide for levying a tax on real and personal property for road purposes,’ ‘Approved Feb. 16th, 1842,’”

“An act to provide for the payment of the debt due to the Miner’s Bank of Dubuque ;”

“Joint Resolution providing for the adjournment of the Legislative Assembly.”

“An act to amend an act, entitled, ‘An act organizing a Board of County Commissioners in each county ;’ ‘Approved Feb. 15th, 1843.’”

“An act to divorce Amelia Scanlin from her husband Thomas Scanlin.”

“Joint Resolution to provide for the printing of the Laws.”

And then he withdrew.

Said acts were severally signed by the Speaker of the House of Representatives.



The House resolved itself into a Committee of the Whole House on—

No. 86, H. R. File, "A Bill to provide for the compensation of members and officers of both Houses of the present session, and for other purposes;"

Mr. Davis in the Chair; after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Chairman reported, the Bill back with several amendments;

Which were agreed to.

On motion of Mr. Wilson,  
The House adjourned.

## 2 O'CLOCK, P. M.

Mr. Murdock, from the Committee to whom it was referred reported, without amendment—

No. 62, C. File, "Joint Resolution relative to the distribution of the laws."

Mr. Taylor made a motion,

To amend the resolution by striking out, "three hundred," and inserting, "one hundred and fifty."

A division of the question was ordered.

The question was then put,

On striking out, "three hundred;"

And decided in the affirmative.

Mr. Davis made a motion,

To insert "two hundred and fifty;"

Which was decided in the affirmative.

On motion of Mr. McCleary,

The Resolution was amended by inserting, "the county of Marion."

On motion of Mr. Murdock,

The 42nd rule was suspended, the Resolution read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 86, H. R. File, "A Bill to provide for the compensation of members and officers of both Houses, of the present session, and for other purposes;"

Was taken up.

On motion of Mr. Johnson,



The 42nd rule was suspended, the Bill read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

The following Message was received from the Council, by J. F. Kinney, their Secretary.

MR. SPEAKER,

I am also directed to inform the House, that the Council have indefinitely postponed,

No. 85, H. R. File, "Joint Resolution providing for a relocation of a certain Road."

And then he withdrew.

The Message from the Council, in regard to the passage of—

"An act for the better settling and adjudicating of the several titles, to the Half Breed Lands, in the county of Lee;"

Was taken up, and the question put,

"Shall the act pass—

The objections of the Governor to the contrary, notwithstanding?"

Which was decided in the affirmative, by a Constitutional majority.

Yeas 19, Nays 2.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Banks, Clifton, Coy, Davis, Hancock, Harper, Huner, Lester, McCleary, Montague, Munger, Murdock, Robertson, Snyder, Taylor, Wilson, Woodworth, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Johnson and Stewart.

On motion of Mr. Davis,

The House adjourned until 8 o'clock to-morrow morning.



WEDNESDAY MORNING, 8 O'CLOCK,

June the 11, A. D. 1845.

On motion of Mr. Murdock,

"Resolved, That the thanks of this Body, be tendered to James M. Morgan for the able, impartial, and judicious manner in which he has discharged the responsible duties of Speaker of the House."

On motion of Mr. Johnson,

"Resolved, That the Chief Clerk be requested to furnish the Committee appointed to inquire into the affairs of the Penitentiary, a copy of the report of the Warden of the Penitentiary to the present Legislature."

Mr. Johnson having given previous notice, and upon leave being granted, introduced,

No. 88, H. R. File, "Joint Resolution instructing the Secretary of the Council and Clerk of the House;"

Which was read a first time.

Ordered, That the 42nd rule be suspended, and the Resolution read a second and third times now.

The Resolution was then read a second and third times, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

The following Message was then received from the Council by J. F. Kinney their Secretary.

MR. SPEAKER:

I am directed to inform the House, that the Council have passed—

No. 86, H. R. File, "A Bill to provide for the compensation of Members and Officers of both Houses of the present session, and for other purposes ;"

Also,

No. 65, C. File, "A Bill for the relief of Henry Heffman, former Sheriff of Van Buren county;"

In which the concurrence of the House is requested.

And then he withdrew.

No. 86, H. R. File, "A Bill to provide for the compensation of Members and Officers of both Houses of the present session, and for other purposes ;"

Having been returned from the Council, with amendments, was taken



ken up, and all the amendments agreed to, but two; which were disagreed to.

No. 65, C. File, "A Bill for the relief of Henry Heffleman, former Sheriff of Van Buren county;"

Was read a first time.

On motion of Mr. Clifton,

The 42nd rule was suspended, and the Bill read a second time.

On motion of Mr. Downey,

The Bill was amended by inserting "Marlin Harless of Louisa county."

On motion of Mr. Snyder,

The Bill was further amended, by inserting the names of "J. W. Tallman of Cedar county, and James Davis of Muscatine county."

The 42nd rule was suspended, and the Bill read a third time.

The question was then put,

"Shall the Bill pass?"

And decided in the affirmative.

Yeas 15, nays 6.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Clifton, Coy, Davis, Downey, Hancock, Haperr, Huner, Lester, McCleary, Montague, Murdock, Stewart Wilson, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Anderson, Johnson, Robertson, Snyder, Taylor, and Woodworth.

The title was then amended by striking out, "former sheriff of Van Buren county," and inserting, "and others."

The title was then agreed to.

Ordered, That the Council be informed thereof.

Mr. Banks submitted the following report:

"The Committee of Conference, appointed relative to the disagreeing vote on 'A Bill Incorporating the Bloomington and Iowa City Rail Road Company;' report that they have had the same under consideration, and recommend that the House recede from their amendment to the 6th Section of said Bill.

The question, was then put,

"Will the House agree to the report of the Committee?"

And decided in the negative.

Yeas 9, Nays 12.

The yeas and nays being demanded by two members,



Those who voted in the affirmative, are

Messrs. Anderson, Banks, Clifton, Downey, Huner, McCleary, Robertson, Stewart, and Woodworth.

Those who voted in the negative, are

Messrs. Coy, Davis, Harper, Johnson, Lester, Montague, Munger, Murdock, Snyder, Taylor, Wilson, and Morgan, Speaker.

On motion of Mr. Robertson,

A Committee of two was appointed to wait on the Fiscal Agent.

Messrs. Robertson, and Taylor, were appointed said Committee.

Mr. Munger, from the Committee on Enrolments, reported the following acts, as being correctly enroled—and presented to the Governor for his signature :

“An act to repeal ‘An act repealing a portion of an act to locate and establish a Territorial road from the town of Dubuque to Camp Atkinson,’ ‘Approved Jan. 13th 1841,’ and providing for the relocation of said road ;”

“Memorial for an appropriation to improve the Cedar, Maquoketa and Wapsipinicon Rivers ;”

“A act to attach the country ceded to the United States by the Sac and Fox Indians, in 1842, to the adjacent counties ;”

“Joint Resolution, providing for the safe keeping of the property belonging to the Capitol, and other purposes.”

“Joint Resolution providing for the care of public property at the Capitol ;”

“An act to authorize the Board of Commissioners of Muscatine county, to License certain Ferries, across the Mississippi River.”

“A Joint Resolution, supplementary to a Joint Resolution adopted by the Council and House of Representatives, for the appointment of a Committee to examine into the affairs of the Penitentiary ;”

“An act to punish persons trespassing upon lands.”

“Joint Resolution, instructing our Delegate in Congress, to use his influence for an appropriation to repair the Bridge on Devil Creek, in Lee county ;”

“An act to amend an act, entitled, ‘An act to regulate the institution of suits by foreign Executors, Administrators, and Guardians, within this Territory ;’ Approved Dec. 20, 1839.”

On motion of Mr. Johnson,

The House adjourned until 11 o'clock A. M.



## 11 O'CLOCK, A. M.

The following Message was received from the Council, by J. F. Kinney, their Secretary :

MR. SPEAKER :

I am directed to inform the House that the Council have receded from all the amendments that were adhered to by the House to—

No. 86, H. R. File, "A Bill to provide for the compensation of Members and Officers of both Houses of the present session, and for other purposes," except one which they have amended by inserting an appropriation to the Secretary of the Council.

The Council have passed—

No. 88, H. R. File, "Joint Resolution, instructing the Secretary of the Council and Clerk of the House."

And then he withdrew.

Message from the Council was then taken up.

No. 86, H. R. File, "A Bill to provide for the compensation of members and officers of both Houses of the present session, and for other purposes ;"

Having been returned from the Council with an amendment, allowing the Secretary of the Council three hundred dollars for Superintending, Indexing, and Distributing the Journals of the Council ;

On motion of Mr. Robertson,

The amendment was amended, by striking out "three hundred," and inserting "two hundred and fifty."

Ordered, That the Council be informed thereof.

The following Message was then received from the Council, by J. F. Kinney, their Secretary:

MR. SPEAKER:

I am directed to inform the House, that the Council have adhered to the amendment to the 16th section of—

No. 86, H. R. File, "A Bill to provide for the compensation of members and officers of both Houses of the present session, and for other purposes ;"

And have appointed Messrs. Brierly and Hempstead a Committee of Conference on the disagreeing vote of the two Houses.

And then he withdrew.

The House appointed Messrs. Wilson and McCleary a similar Committee on the part of the House, in regard to said amendment ;

Who, in a short time, reported that the Council would agree to the



amendment made by the House, to the amendment made by the Council.

The following Message was then received from the Council, by J. F. Kinney, their Secretary :

MR. SPEAKER—

I am directed to inform the House that the Council have agreed to the report of the Committee of Conference, on the disagreeing vote of the Houses, and have agreed to the amendment of the two House, to the amendment of the Council, to the 16th section of—

No. 86, H. R. File, "A Bill to provide for the compensation of members and officers of both Houses of the present session, and for other purposes;"

And then he withdrew.

Mr. Munger, from the Committee on Enrolled Bills, reported as correctly enrolled,

"An act to provide for the compensation of members and officers of both Houses of the present session, and for other purposes;"

Which was signed by the Speaker of the House of Representatives.

The following Message was then received from the Council, by J. F. Kinney, their Secretary :

MR. SPEAKER—

I herewith present for your signature—

"An act to prevent and punish the obstruction of Public Roads and Highways."

"An act to authorize Henry Swan, Administrator of David Duke, late of the county of Henry, deceased, to convey certain lands."

"Joint Resolution, relative to the distribution of the Laws."

And then he withdrew.

Said acts were signed by the Speaker of the House of Representatives.

The following Message was then received from the Council, by J. F. Kinney, their Secretary :

MR. SPEAKER—

I am directed to inform the House that—

Messrs. Smmmers and Hepstead have been appointed a Committee to act with a similar Committee to be appointed on the part of the House, to wait upon His Exeellency the Governor, and inform him that the two Houses are now ready to adjourn *sine die*, and to ascertain whether he has any further communications to make to them.

I herewith return—



“An act to provide for the compensation of members and officers of both Houses of the present session, and for other purposes;”

Which has been signed by the President of the Council;

And then he withdrew.

The House appointed Messrs. Johnson and Anderson a Committee to wait upon His Excellency the Governor. They retired; and after a short time, reported, that the Governor informed them that he had no further communication to make to the Legislative Assembly.

On motion of Mr. McCleary,

Ordered, That the House do now adjourn *sine die*.

Whereupon, Mr. Speaker arose, and addressed the House as follows:—

GENTLEMEN—

The moment which is to sever our official connexion has arrived—but, before announcing the decision of the Chair on the vote just taken, permit me to congratulate you on the harmony which has prevailed throughout your deliberations, and to express the hope that the results of your labors will promote the happiness and general welfare of the people.

In looking back upon the events of the past few weeks, the mind cannot but recur to the afflicting dispensations of Providence with which this body has been visited. Several of its members have been prostrated by disease—and one of the number has been gathered to his Fathers. While these events may call forth our sympathies, they should also teach us a lesson of humility, so that we may realize “what shadows we are—what shadows we pursue.”

Saving the circumstances to which allusion has just been made, I am happy to say that nothing has occurred to cast a shade of regret upon what will soon become our recollections of the present session.

It is due from me to return to you, Gentlemen, my profound thanks for the courtesy which you have uniformly extended towards me as the presiding officer of this House—and I shall always remember your kindness with feelings of gratitude and pride. Wishing you every degree of prosperity and happiness, and hoping that you will each and all find happy homes awaiting your return, it but remains for me to announce that this House is now adjourned *sine die*.



# RULES

## OF THE

### HOUSE OF REPRESENTATIVES.

#### **Duty of the Speaker.**

1. He shall take the Chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order, and on the appearance of a quorum, shall cause the Journal of the preceding day to be read.

2. He shall preserve order and decorum, and speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any two members.

3. He shall rise to put a question, but may state it sitting.

4. Questions shall be distinctly put in this form, to wit: "As many as are of opinion that [as the question may be] say Aye"—and, after the affirmative voice is expressed, "As many as are of the contrary opinion say No." If the Speaker doubts, or a division be called for the House shall divide. Those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

5. The Speaker shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

6. All Committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

7. In all cases where the House is equally divided, the Speaker shall give the casting vote, and shall also vote on a call of the Ayes and Noes.

8. All Acts, Addresses, and Joint Resolutions shall be signed by the Speaker; and all Writs, Warrants, and Subpoenas, issued by order of the House, shall be under his hand and seal, attested by the Clerk.

9. In case of any disturbances or disorderly conduct in the lobby, the Speaker or Chairman of the Committee of the Whole House, shall have power to have the same cleared.



**10. Order of the Business of the Day.**

After the Journal is read, the following order shall govern:

- 1st—Petitions or Remonstrances to be offered.
- 2d—Resolutions and Notices to bring in Bills.
- 3d—Reports of Committees.
- 4th—Bills to be introduced, of which notice has been given.
- 5th—Messages and Communications on the Speaker's table.
- 6th—Bills and Resolutions ready for a second reading.
- 7th—Bills on their passage.
- 8th—Reports in possession of the House, which offer grounds for a Bill, are to be taken up, in order that the Bill may be ordered in.
- 9th—Bills or other matters before the House and unfinished the preceding day.

**Of Decorum and Debate.**

11. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to "Mr. Speaker," and shall confine himself to the question under debate, and shall avoid personalities.

12. If any member, in speaking or otherwise, transgress the Rules of the House, the Speaker shall, or any member may, call to order; in which case, the member so called to order, shall immediately sit down, but may be permitted, with leave of the House, to explain; and the House shall, if appealed to, decide the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to; if the decision be in favor of the member called to order, he is at liberty to proceed; if otherwise, he shall not be permitted to proceed without leave of the House; and if the case require it, he shall be liable to the censure of the House.

13. When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.

14. No member shall speak more than twice on the same question, without leave of the House, nor more than once until every member choosing to speak shall have spoken.

15. Whilst the Speaker is putting any question, or addressing the House, none shall walk out of, or across, the House; or when a member is speaking, shall entertain private discourse; nor whilst a member is speaking, shall pass between him and the Chair.

16. No member shall vote on any question, in the event of which he is immediately and particularly interested; or in any case where he was not present when the question was put, unless the Speaker again state the question.

17. Upon a division and count of the House on any question, no member without the bar shall be counted.

18. Every member who shall be in the House when the question is put, shall give his vote, unless the House, for special reasons, shall excuse him.



19. When a motion is made and seconded, it shall be stated by the Speaker; or, being in writing, it shall be handed to the Chair, and read aloud by the Clerk before debated.

20. Every motion shall be reduced to writing, if the Speaker, or any member desire it.

21. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in the possession of the House, but may be withdrawn by leave of the House.

22. When a question is under debate, no motion shall be received but to adjourn; to lie on the table; for the previous question, to postpone to a day certain; to commit or amend; to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain; to commit or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition. A motion to strike out the enacting words of a bill, shall have precedence of a motion to amend, and, if carried, shall be considered equivalent to its rejection.

23. When a Resolution shall be offered, or a motion made, to refer any subject, and different Committees shall be proposed, the question shall be taken in the following order:

The Committee of the Whole House; a Standing Committee; a Select Committee.

24. A motion to adjourn shall be always in order, excepting when a member is speaking, or the House voting; that, and the motion to lie on the table, shall be decided without debate.

25. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present; and, until it is decided, shall preclude all amendment and further debate upon the main question.

26. On a previous question there shall be no debate.

27. When a question is postponed indefinitely, it shall not be acted upon again during the session.

28. Any member may call for a division of the question, which shall be divided, if it comprehends questions so distinct that one being taken away, the rest may stand entire for the discussion of the House; a motion to strike out, being lost, shall preclude neither amendment nor a motion to strike out and insert.

29. Motions and Reports may be committed at the pleasure of the House.

30. No motion or proposition on a subject different from that under consideration, shall be admitted under color of amendment.

31. When a motion has been once made, and carried in the affirmative or negative, it shall be in order for any member in the majority to move for the reconsideration thereof, on the same or succeeding day, and such motion shall take precedence of all other questions, except a motion to adjourn.



32. Petitions, Memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place, a brief statement of the contents thereof, shall verbally be made by the introducer, and shall not be debated or decided on the day of their being first read, unless where the House shall direct otherwise, but shall lie on the table, to be taken up in the order they were read.

33. A proposition, requesting information from the Governor, Secretary, or any other Territorial Officer, shall lie on the table one day for consideration, unless otherwise ordered by unanimous consent of the House; and all such propositions shall be taken up for consideration in the order they were presented, immediately after reports are called for from Select Committees, and when adopted, the Clerk shall cause the same to be delivered.

34. Any five members, if the Speaker be in the Chair, shall be authorized to compel the attendance of absent members.

35. Upon calls of the House, or in taking the Ayes and Noes on any question, the names of the members shall be called alphabetically.

36. No member shall absent himself from the service of the House without leave, unless he is sick or unable to attend.

37. Upon a call of the House, the names of the members shall be called over by the Clerk, and the absentees noted, after which the names of the absentees shall again be called over, and the Sergeant-at-Arms shall be directed by the Speaker to compel their attendance.

38. No Committee shall sit during the sitting of the House without special leave.

39. Fourteen members, including the Speaker, shall constitute a quorum, and, upon the demand of any two members, the Ayes and Noes shall be ordered.

40. The hour to which this House shall stand adjourned from day to day, shall be 10 o'clock, A. M., and 2 o'clock, P. M., unless otherwise ordered by the House.

#### **Of Bills.**

41. Every Bill shall be introduced by motion for leave, or by an order of the House on the Report of a Committee. One days' notice at least shall be given of the motion to bring in a Bill.

42. Every Bill shall receive three several readings in the House previous to its passage; and all bills shall be despatched in the order they were introduced, unless where the House shall direct otherwise, but no bill shall be twice read on the same day without special order of the House.

43. The first reading of a bill shall be for information; and if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

44. Upon a second reading of a bill, the Speaker shall state that



it is ready for commitment, or engrossment ; and if committed, then the question shall be whether to Select or Standing Committee, or to a Committee of the Whole House. If to a Committee of the Whole House, the House shall determine on what day ; but if the bill be ordered to be engrossed, the House shall appoint the day when it shall be read a third time.

45. After a bill has been committed and reported back, it shall be considered on its second reading after the amendments of the Committee have been read.

46. After commitment and report thereof to the House, or at any time before its passage, a bill may be recommitted.

47. All bills ordered to be engrossed shall be executed in a fair round hand.

48. No amendment, unless by way of rider, shall be received to any bill on its third reading.

49. When a bill shall pass, it shall be certified by the Clerk, noting the day of its passage at the foot thereof.

#### **Of Committee of the Whole House.**

50. In forming Committees of the Whole House, the Speaker shall leave his Chair, and a Chairman to preside in Committee shall be appointed by the Speaker.

51. Upon bills committed to Committee of the Whole House, the bill shall be first read throughout by the Clerk or Chairman, and then again read and debated by clauses, leaving the preamble to be last considered ; after report, the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.

52. All amendments made to an original motion in Committee, shall be incorporated with the motion, and so reported.

53. All amendments made to a report committed to a Committee of the Whole House, shall be noted and reported as in case of bills.

54. All questions, whether in Committee or in the House, shall be propounded in the order which they were moved, except that in filling up blanks, the largest sum and longest time shall be first put.

55. The rules of the house shall be observed in Committee of the Whole House, so far as they are applicable.

56. No standing rule, or order of the House, shall be rescinded or changed, without one day's notice being given of the motion therefor, nor shall any rule be suspended except by a vote of at least two-thirds of the members present ; nor shall the order of business, as established by the rules of the House, be postponed or changed, except by a vote of at least two thirds of the members present.

57. It shall be in order for the Committee on Enrolled Bills to report at any time.

58. No Bill, Memorial, or Joint Resolution, shall be printed unless ordered by the House.



59. When any matter is referred to a Standing Committee, by motion of any member, it shall be the duty of the Chairman of such Standing Committee to notify such member of their time of sitting upon such matter so referred; and said member shall be permitted to confer with such Committee during their consideration of such matter.

### JOINT RULES OF BOTH HOUSES.

1. In every case of an amendmet of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference, and appoint a Committee for that purpose, and the other House shall also appoint a Committee to confer; such Committee shall, at convenient hour, to be agreed on by their Chairman, meet and state to each other, verbally or in writing, as either shall choose, the reason of their respective Houses, for and against the amendment, and confer freely thereon.

2. When a message shall be sent from the Council to the House of Representatives, it shall be announced at the door of the House by the door-keeper, and shall be respectfully communicated to the Chair, by the person with whom it may be sent.

3. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Council.

4. Messages shall be sent by such persons as a sense of propriety in each House may be deemed to be proper.

5. After a bill shall have passed both Houses, it shall be duly enroled by the Clerk of the House or of the Council, as the bill may have originated in the one or the other House, before it shall be presented to the Governor.

6. When bills are enroled, they shall be examined by a Joint Committee of two from the Council and two from the House of Representatives, appointed as a Standing Committee for that purpose; who shall carefully compare the enrolment with the engrossed bills, as passed in the two Houses, and correcting any errors that may be discovered in the enroled bills, make their report forthwith to the House in which the bill originated.

7. After examination and report, each bill shall be signed in the respective Houses; first by the Speaker of the House of Representatives, then by the President of the Council.

8. After a bill shall have been thus signed in each House, it shall be presented by the said Committee to the Governor for his appro-



bation, it being first endorsed on the back of the roll, certifying in which House the same originated, which endorsement shall be signed by the Secretary of the House in which the same did originate, and shall be entered on the Journal of each House; the said Committee shall report the day of presentation to the Governor, which shall also be entered on the Journal of each House.

9. All orders, resolutions and votes which are to be presented to the Governor for his approbation, shall also, in the same manner, be previously enroled, examined and signed, and shall be presented in the same manner, and by the same Committee, as provided in cases of Bills.

10. When a bill or Resolution, which shall have been passed in one House, is rejected in the other, notice thereof is to be given to the House in which the same may have passed.

11. When a bill or resolution, which has been passed in one House, is rejected in the other, it is not to be brought in during the same session, without a notice of five days, and leave of two-thirds of the House in which it shall be renewed.

12. Each House shall transmit to the other all papers on which any bill or resolution may be founded.

13. After each House shall have adhered to their disagreements, a bill or resolution is lost.

14. When bills which may have passed one House, are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the House making the order.

15. All Messages, Reports, or other documents, presented to either House for general information, and ordered to be printed by such House, shall, when printed, be for the use of both Houses.

It shall be the duty of the Chief Clerk of the House, or the Secretary of the Council, when any such document is ordered to be printed in their respective Houses, forthwith to communicate such order to the other, so that the same order may not be made in both Houses.

## STANDING COMMITTEES.

*On Ways and Means*—Messrs. McCleary, Sheledy, Montague, Noble, and Wilson.

*On the Judiciary*—Messrs. Murdock, Munger, Downey, Taylor, and Johnson.

*On Common Schools*—Messrs. Sheledy, Huner, Clifton, Coy, and Lester.

*On Internal Improvements*—Messrs. Hancock, Harper, Chandler, Leonard, and Woodworth.



*On Claims*—Messrs. Robertson, Wilson, Snyder, Davis, and Banks.

*On Enrolled Bills*—Messrs. Munger and Wilson.

*On Engrossed Bills*—Messrs. Taylor and Downey.

*On Expenditures*—Messrs. Johnson, Anderson, Hancock, Robertson, and Leonard.

*On Territorial Affairs*—Messrs. Wilson, Chandler, Stewart, Woodworth, and Coy.

*On Corporations*—Messrs. Davis, McCleary, Noble, Munger, and Murdock.

*On Roads and Highways*—Messrs. Harper, Stewart, Woodworth, Coy, and Lester.

*On Military Affairs*—Messrs. Leonard, Banks, Huner, Murdock, and Noble.

*On Township and County Boundaries*—Messrs. Lester, Harper, Clifton, Snyder, and Coy.

*On Public Buildings*—Messrs. Downey, Chandler, Banks, Huner, and Taylor.

*On Agriculture*—Messrs. Montague, Woodworth, Anderson, Sheledy, and Snyder.



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# JOURNAL

OF THE

## HOUSE OF REPRESENTATIVES,

OF THE

EIGHTH LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF IOWA,

BEGUN AND HELD AT IOWA CITY, ON THE FIRST MONDAY OF DE-  
CEMBER, ONE THOUSAND EIGHT HUNDRED AND FORTY-FIVE.

KEOSAUQUA:

PRINTED BY J. AND J. M. SHEPHERD.

1846.

7.30  
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21  
18  
1.40  
18.60  
1.86  
20.46



JOURNAL

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162

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HOUSE OF REPRESENTATIVES

NIGHT LEGISLATIVE ASSEMBLY

1.00

12.00

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20.00

TERRITORY OF IOWA

REPORT AND STATE OF IOWA CITY, ON THE FIRST MONDAY OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND EIGHTY-THREE

THOMAS

PRINTED BY JAMES A. LUTHER

1883



# JOURNAL

OF THE

HOUSE OF REPRESENTATIVES,

OF THE

LEGISLATIVE ASSEMBLY OF THE TERRITORY OF  
IOWA.

Begun and held at Iowa City, on Monday, the first day of December, in the year of our Lord, one thousand, eight hundred and forty-five, in pursuance of an act of the Legislative Assembly, entitled, "AN act fixing the time for the annual meeting of the Legislative Assembly;" Approved, January 13, 1841.

---

At 12 o'clock, M., the following members appeared in their seats:

*From the County of Lee.*—JACOB HUNER and WILLIAM PATTERSON.

*From the County of Van Buren.*—FREDERICK HANCOCK, GEORGE W. LESTER and DAVID FERGUSON.

*From the County of Des Moines.*—JAMES M. MORGAN, JOHN D. WRIGHT, JOHN RIPLEY, ARCHIBALD McMICHAEL and JOSHUA HOLLAND.

*From the County of Henry.*—NORTON MUNGER, SAMUEL D. WOODWORTH and CHARLES CLIFTON.

*From the County of Jefferson.*—JOSEPH FLINT.

*From the County of Louisa.*—GEORGE W. MCCLEARY.

*From the County of Washington.*—STEPHEN B. SHELEDY.

*From the County of Muscatine.*—ABRAHAM T. BANKS.

*From the County of Johnson.*—HUGH D. DOWNEY.

*From the Counties of Cedar, Linn and Jones.*—JOSEPH R. SNYDER and JOHN TAYLOR.

*From the County of Scott.*—JOSEPH M. ROBERTSON.

*From the County of Clinton.*—SHUBAEL COY.

*From the County of Jackson.*—THOMAS GRAHAM.

*From the Counties of Du Buque, Delaware and Clayton.*—DAVID S. WILSON and SAMUEL MURDOCK.



Mr. Sheledy then called the House to order; and, on his motion, Mr. Robertson was appointed Speaker *pro tem*.

On motion of Mr. McCleary,

William Thompson of the county of Henry, was appointed Chief Clerk *pro tem*.

On motion of Mr. Sheledy,

Mr. T. Williams of the county of Mahaska, was appointed Assistant Clerk *pro tem*.

On motion of Mr. Murdock,

Jacob P. Deforest of the county of Johnson, was, appointed Sergeant-at-Arms *pro tem*.

On motion of Mr. Lester,

James A. Gallaher of the county of Jefferson, was appointed Messenger *pro tem*.

On motion of Mr. Munger,

James Higgins of the county of Henry, was appointed Fireman *pro tem*.

On motion of Mr. Morgan,

*Ordered*, That a committee of five be appointed to examine the credentials of members.

Messrs. Sheledy, McCleary, Snyder, Munger and Taylor were appointed said committee.

On motion of Mr. Wright,

Mr. Morgan was permitted to take his seat without exhibiting his credentials.

Mr. McCleary, from the committee appointed to examine the credentials of members, reported, That Jacob Huner, George W. Lester, Norton Munger, Samuel V. Woodworth, Charles Clifton, George W. McCleary, Stephen B. Sheledy, Abraham T. Banks, Hugh D. Downey, Joseph R. Snyder, John Taylor, Joseph M. Robertson, Shubael Coy, David S. Wilson and Samuel Murdock had been duly elected and sworn into office; and that they had examined the credentials of John D. Wright, John Ripley, Archibald McMichael, Joshua Holland, Frederick Hancock, David Ferguson, William Patterson, Joseph Flint and Thomas Graham, and found them correct and in accordance with law;

Which was adopted.

The last mentioned gentlemen, together with Mr. Morgan, then came forward, had the requisite oath administered to them by James Trimble Esqr., and took their seats.

On motion of Mr. Wilson,

The House adjourned until ten o'clock, on to-morrow morning.



TUESDAY MORNING, 10 O'CLOCK,

DECEMBER THE 2d, A. D. 1845.

The House met pursuant to adjournment.

On motion of Mr. Morgan,

*Ordered*, That the House do now proceed to the election of a Speaker.

Mr. Morgan nominated George W. McCleary, from the county of Louisa.

Messrs. Clifton and Wilson were appointed tellers.

The members proceeded to ballot; and, upon counting the same, it was found that,

George W. McCleary had received 23 votes.

And scattering, 2 votes.

Mr. McCleary having received a majority of all the votes given, was declared duly elected Speaker.

Messrs. Morgan and Woodworth then conducted the Speaker to the chair, from which he addressed the House as follows, to wit:

"GENTLEMEN:—I return you my sincere thanks for this proof of your confidence, and for the honor which you have conferred upon me in selecting me to preside over your deliberations.

To be called unanimously to the distinguished station in which I have been placed by your kind partiality, is an honor of which any one, no matter how exalted his talents, might well be proud. What then must be the feelings of the humble individual who now addresses you, selected from so many more able and experienced members than himself?

Inexperienced as I am, Gentlemen, in much that relates to the duties of the Chair, (never before having had the honor of presiding over an assembly of this kind,) I fear I shall be unable to meet the expectations of my friends. But, whatever errors I may commit, and doubtless there will be many, I hope you will attribute them to a want of proper understanding of the rules, and not to a disposition to err intentionally. All I can promise you in return for your kindness, is the assurance that I will endeavor to discharge the duties of this, to me, new and untried station, faithfully and impartially to the best of my ability.

Confidently relying upon your co-operation and support, gentlemen, and indulging the ardent hope that our deliberations may prove to be pleasant to ourselves, and satisfactory to our constituents, I cheerfully enter upon the duties of the station which you have assigned me, and again tender you my most hearty thanks for the honor conferred.

On motion of Mr. Hancock,



*Ordered*, That the House do now proceed to the election of a Chief Clerk.

Messrs Taylor and Murdock were appointed tellers.

Mr. Honcock nominated William Thompson, from the county of Henry.

The members balloted; and, upon counting the same, it was found that,

William Thompson had received 24 votes,

And Blank 1 vote.

Mr. Thompson having received a majority of all the votes given, was declared duly elected Chief Clerk.

On motion of Mr. Taylor,

*Ordered*, That the House do now proceed to the election of an Assistant Clerk.

Messrs. Snyder and Sheledy were appointed tellers.

Mr. Taylor nominated S. H. Tryon, of the county of Linn.

The members all balloted; and, upon counting the same, it was found that,

S. H. Tryon had received 20 votes;

And Scattering, 5 votes.

Mr. Tryon having received a majority of all the votes given, was declared duly elected Assistant Clerk.

On motion of Mr. Patterson,

*Ordered*, That the House do now proceed to the election of a Sergeant-at-Arms.

Messrs. Robertson and Patterson were appointed tellers.

Mr. Patterson nominated S. T. Marshall of the county of Lee.

The members balloted; and, upon counting the same, it was found that,

S. T. Marshall had received 22 votes.

And Scattering, 2 votes.

Mr. Marshall, having received a majority of all the votes given, was declared duly elected Sergeant-at-Arms.

On motion of Mr. Morgan,

*Ordered*, That the House do now proceed to the election of a Messenger.

Messrs. Morgan and Downey were appointed tellers.

Mr. Morgan nominated John L. Campbell of Des Moines county.

The members voted; and, upon counting the ballots, it was found, that,

John L. Campbell had received 20 votes;

And Scattering, 4 votes.

Mr. Campbell having received a majority of all the votes given, was declared duly elected Messenger.

On motion of Mr. Wilson,



*Ordered*, That the House do now proceed to the election of a Fireman.

Messrs. Murdock and Woodworth were appointed tellers.

Mr. Wilson nominated Isaac Havens, of the county of DuBuque.

Mr. Munger nominated James Higgins, of the county of Henry.

Mr. Munger read a recommendation of Mr. Higgins, signed by a great number of citizens of Henry county, irrespective of party; and made some remarks in his favor, which were answered by Messrs. Murdock and Wilson.

The members balloted; and, upon counting the same, it was found, that.

Isaac Havens had received 18 votes;

And James Higgins received 6 votes.

Mr. Havens having received a majority of all the votes given, was declared duly elected Fireman.

The foregoing officers being present, came forward, and were duly sworn into office by the Speaker.

On motion of Mr. Hancock,

*Ordered*, That the House do now adjourn until 10 o'clock to-morrow morning.

---

### WEDNESDAY MORNING, 10 O'CLOCK,

DECEMBER THE 3d, A. D. 1845.

The House met pursuant to adjournment.

On Motion of Mr. Sheledy,

*Resolved*, That the rules of the last session of the House of Representatives, be adopted for the government of the House at its present session.

On motion of Mr. Taylor,

*Resolved*, That the members of this House, be furnished with 25 copies of such newspapers published in this Territory, as they may direct; Provided such papers shall be furnished at the rates of \$2 00 per annum.

Messrs. Summers and Coop, as a committee from the Council for that purpose, waited upon the House, and informed it that the Council was now organized and ready to proceed to business.

On motion of Mr. Robertson,



*Resolved*, That the following be the standing committees for the present session, viz:

Ways and means;	Expenditures;
The Judiciary;	Territorial Affairs;
Common Schools;	Roads and Highways;
Internal Improvements;	Corporations;
Claims;	Township and County Bounda- [ries;
Military Affairs;	Public Buildings;
Enrolled Bills;	New Counties; and,
Engrossed Bills;	Agriculture.

Mr. Taylor offered the following:

*Resolved*, That the Chief Clerk be requested to furnish each member of this House with a copy of the Revised Statutes of this Territory, a copy of the laws of 1842-3, a copy of the laws of the last session, and a copy of the journal of the House of the same.

On motion of Mr. Sheledy,

The resolution was laid on the table.

On motion of Mr. Sheledy,

*Resolved*, That the Editors of newspapers and their reporters, be admitted within the bar of this House.

On motion of Mr. Morgan,

*Ordered*, That a committee be appointed to wait upon the Council and inform that body that the House is now organized and ready to proceed to business.

Messrs. Morgan and Munger were appointed said committee; and, after being absent for a short time,

Mr. Morgan from said committee, reported that they had waited upon the Council and performed the duty assigned them.

Mr. Morgan gave notice that he would, on some future day, ask leave to introduce,

"A memorial to Congress, praying for the passage of an act in relation to the boundaries of the future State of Iowa."

Mr. Patterson gave notice that he would, on to-morrow or some future day, ask leave to introduce

"A memorial to Congress for lands to complete the Iowa Penitentiary."

On motion of Mr. Wilson,

*Resolved*, That the Chief Clerk be directed to make arrangements with the Post Master of this city for the payment of postage on all letters and papers sent to and from this House during the present session, and report the same to this House.

Mr. Sheledy gave notice that he would, on to-morrow or some future day, ask leave to introduce,

A Bill to lay off and organize the county of Jasper.



On motion of Mr. Wilson,

*Resolved*, That the Messrs. Palmers, of the Iowa Capital Reporter, be employed to do the incidental printing of the House during the present session.

Mr. Hancock gave notice that he would, on to-morrow or some subsequent day, ask leave to introduce,

A memorial to Congress, asking a grant of land to improve the navigation of the Des Moines river.

The following message was then received from the Council, by Mr. Kinney, their Secretary:

MR. SPEAKER:

I am directed to inform the House, that Messrs. Summers and Abbe have been appointed a committee on the part of the Council, to act in conjunction with a similar committee to be appointed on the part of the House to wait upon His Excellency, the Governor, and inform him that both Houses are now organized, and ready to receive any communication he may be pleased to make to them;

And then he withdrew.

Mr. Murdock gave notice that he would, on to-morrow or some future day, ask leave to introduce,

A memorial to Congress, praying the removal of the Winnebago Indians.

Mr. Wilson gave notice that he would, on to-morrow or some future day, ask leave to introduce,

A memorial to Congress, praying for the sale of the reserved mineral lands in Iowa.

Mr. Sheledy gave notice that he would, on to-morrow or some future day, ask leave to introduce,

A Bill for a Territorial road from Oskaloosa, in Mahaska county, to Knoxville, in Marion county.

On motion of Mr. Wilson,

The House adjourned.

TWO O'CLOCK, P. M.

Mr. Speaker announced the following as the Standing committees of the House:

*On Ways and Means*—Messrs. Murdock, Robertson, Huner, Flint and Woodworth.

*On the Judiciary*—Messrs. Morgan, Munger, Murdock, Downey and Taylor.

*On Common Schools*—Messrs. Munger, Banks, Graham, Brown and Ripley.



*On Internal Improvements*—Messrs. Patterson, Holland, Ferguson, Coy and Clifton.

*On Claims*—Messrs. Snyder, Banks, Robertson, Wright and Downey.

*On Military Affairs*—Messrs. Banks, Brown, Graham, Ripley and Wilson.

*On Enrolled Bills*—Messrs. Morgan and Munger.

*On Engrossed Bills*—Messrs Taylor and Wilson.

*On Expenditures*—Messrs. Robertson, McMichael, Graham, Hancock and Sheledy.

*On Territorial Affairs*—Messrs. Wilson, Downey, Morgan, Snyder and Munger.

*On Roads and Highways*—Messrs. Wright, Ferguson, Clifton, Coy and Robertson.

*On Corporations*—Messrs. Taylor, Robertson, Flint, Holland and Ferguson.

*On Township and County Boundaries*—Messrs. Hancock, Huner, McMichael, Flint and Graham.

*On Public Buildings*—Messrs. Downey, Huner, McMichael, Ferguson and Woodworth.

*On New Counties*—Messrs. Sheledy, Lester, Flint, Murdock and Downey.

*On Agriculture*—Messrs. Ripley Patterson, Coy, Hancock and Sheledy.

The Speaker then presented the following Message from His Excellency, the Governor:

*Gentlemen of the Council and of the  
House of Representatives:*

With less than a fortnight's notice of my appointment to the discharge of the Executive duties, during the greater portion of which brief period I have been prostrated by sickness, I find myself called upon, as a co-ordinate branch of the Legislature, to communicate with you in relation to such subjects, both of a local and general character, as in my judgment are deemed to have a bearing upon the common interests of the people of Iowa. Deprived, as I thus have been, of the time and opportunity essential to the proper discharge of this duty—cut off from all opportunity of investigation into past legislation, so as to be enabled to recommend remedial action where defects might be found to exist—denied, even, it may be said, time sufficient for common reflection—I have great reason to fear that many subjects will be passed over in this communication, which, upon a more ample survey of the



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public wants and requirements would have been pressed upon your attention. The regret, however, which I feel in anticipation of such a discovery, is materially abated by the knowledge that your action can in no wise be effected by the omission. Happily for the people, their Representatives in the discharge of their duties as Legislators, are not necessarily governed by Executive recommendations; neither are they precluded from considering, and acting upon any subject by Executive omission.

You assemble, Gentlemen, under auspicious circumstances. Peace pervades the land and plenty every where abounds. The earth, during the season just past, has been unusually abundant in its yield, both externally and internally. From its face, the husbandman has gathered bountiful crops, which he is enabled to dispose of at something more than a living profit; while more than ordinary success has attended the labors of that adventurous, and not inconsiderable portion of our citizens, whose avocation it is to search for, and bring to light, the rich treasures which are concealed beneath. Labor, though still commanding less than could be desired, finds ready employment; and industry, plied with ordinary skill and perseverance, fails not of securing the necessities, and even comforts of life. These are blessings of inestimable value; but I much regret that, in enumerating them, I am compelled to omit that most important of all blessings which can be vouchsafed to any people—the prevalence of general health. The people of Iowa have suffered severely from sickness the past season; nor is it any consolation to them to know that their fellow citizens in all the western States have been similarly visited, except so far as it establishes the fact that there is nothing in our soil or climate *peculiarly* favorable to disease. Bowing in humble submission to the affliction, our duty would remain but half discharged, did we forget to return our grateful and fervent thanks to that Providence which rules over all things, and from which all good emanates, for the manifold blessings we have been permitted to enjoy.

Since your adjournment in June last, a most important question has been decided by the people, the effect of which is to throw us back where we originally commenced in our efforts to effect a change in the form of government under which we at present live—I allude to the rejection of the Constitution at the August election. This result, however brought about, in my judgment, is one greatly to be deplored.—That misrepresentation and mystification had much to do in effecting it, there can be no doubt; still it stands as the recorded judgment of the people; and to that judgment, until the people themselves reverse the decree, it is our duty to submit. Having, from absence and indisposition, been denied all opportunity of ascertaining public feeling at present in relation to this subject, I do not feel prepared to urge upon the Legislature any particular course of conduct to be pursued. The members themselves, come fresh from the people, and are presumed to be advised of the wishes of their constituents as to what action, if any, should be had in reference to the question. Being thus advised, they will doubtless adopt such measures as are called for by the public sen-



timent, and adhering, as I do, to the opinion long entertained and frequently expressed, that the prosperity of Iowa would be greatly advanced by her speedy incorporation into the Union as a State, it affords me great pleasure to assure you that whatever steps may be taken by you, looking to that desirable result, and in my judgment calculated to effect it, will receive my hearty co-operation.

The increase in the population of Iowa within the last year may be assumed with great confidence to have exceeded that of any former year. The rapidity with which settlements have extended back is truly astonishing. From the narrow strip of country purchased in 1832, some forty miles in width, extending up and down the Mississippi, and upon which the first settlements were made, we have seen our Territory extend itself on the West, step by step, until its limits approach to within a short distance of the Missouri river, if, indeed, that point be not already gained.

In accordance with the stipulations contained in the treaty negotiated by my predecessor in office in 1842, the Sac and Fox Indians early in the past fall, quietly and peaceably abandoned the whole of the country owned and occupied by them in Iowa, and proceeded to the new home provided for them by the government, lying South and West of the Missouri. A vast country, much of which is described by those who have been over it as exceedingly valuable, is thrown open to settlement; emigrants are already seeking it; and in a year from the present time, judging the future by the past, a population amounting to many thousands may be expected to be scattered over its face. In view of this reasonable anticipation, I respectfully recommend the division of the newly acquired district into counties of such size as shall comport with the judgment of the Legislature, to be attached to the counties most contiguous to them which are organized. It will probably be found, too, upon inquiry, that some of the counties at present laid out, but not yet organized contain inhabitants enough within their limits to support county governments of their own; and if so, provision should be made for their speedy organization.

While alluding to the subject of the extension of our organized Territorial limits, it is proper that I should refer to the failure of the attempt made by the government in August last to purchase from the Winnebagoes the country at present occupied by them, known as the "Neutral Ground;" and, in the same connexion, also make mention of the recent visit of a delegation of Pottawatamie chiefs to Washington for the avowed purpose of entering into negotiations with the government for the relinquishment of their title to all the lands belonging to them lying within our borders. The Winnebagoes, it would seem, entertain an insuperable objection to removing beyond the Missouri river, the region designated as their future residence, in all propositions of purchase which have heretofore been submitted to them by the government.—Three several attempts to treat have been made within as many years, and all attended with equally ill success, the chief obstacle upon each occasion being the one already alluded to. The Indians are not understood to be particularly wedded to the country now in-



habited by them; but having ever resided in the North, their feelings and prejudices are all against emigrating South. Could a new home be provided for them in the North, I have good reason to believe that little or no difficulty would be experienced in inducing them to remove to it; but until some step of the kind is taken all our efforts to extinguish the Winnebago title to their lands may be expected to result in failure. The Sioux nation of Indians own a vast and extensive region of country bordering on the Mississippi, and running up near to its head waters, a portion of which, sufficiently extensive for the Winnebagoes to hunt and reside upon, it is believed the government might obtain at a comparatively trifling expenditure. The aversion of the Indians to going South being well known to those who exercise the control of the Indian Department, may we not look for, and should we not solicit a change of policy in this particular? The subject being one of the first importance to the people of Iowa at large, but more especially to that portion of them who reside in the counties bordering on the Indian lands, some expression of the views entertained by the Legislature in relation to it would seem to be called for. The result of the visit of the Pottawatamie delegation to Washington has not yet transpired, but I entertain strong hopes that it will prove to be all we desire.

The question of boundary between the State of Missouri and this Territory still remains unsettled; but I am happy to inform you that no collision of a serious character has taken place in consequence of the dispute since your adjournment. The continuance of this amicable state of things is greatly to be desired. While no conceivable good could possibly result to the claim of either party from rupture and open conflict, much evil would inevitably ensue to both. As one of the parties to the dispute, however, it is our duty to lend all our assistance in furthering the speedy adjustment of the question in such manner as may be agreed upon; and as Missouri has indicated her willingness to submit the question to the decision of the judicial tribunals of the country, I know of no better course to pursue than that recommended by my predecessor, in one of his latest official communications to the Legislature, viz: to memorialize Congress for the passage of a law which will enable the Territory to go into the Supreme Court as a party in the case. The absence of sovereignty, it is held by those who have investigated the subject, cuts us off from the privilege at present. True, the issue can at once be made up as soon as we are admitted as a State; but should Congress respond favorably to our request at its present session, it is probable the question would be finally put to rest even while we remain a Territory.

A subject of deep importance to a large and enterprising portion of our citizens, and one in relation to which the Legislature should not fail to speak out, is the disposition by the general government of the mineral lands lying in this Territory and elsewhere. The system which at present prevails of leasing these lands, is justly obnoxious to those engaged in the uncertain occupation of mining, and should be abolished at the earliest possible day. Unlike some of the despotic



establishments of the old world, where excess of tribute is extorted from the people under almost every imaginable plea, in this country we have a government which aims at the happiness of the governed; and when this happiness is most equally and most generally diffused, then may the government be said to have best performed the object for which it was instituted—then is it the strongest. It would be a gross perversion of the spirit of our institutions were the government, as proprietor of our vast landed domain, to refuse to sell any portion of such domain to individual purchasers; but, transforming itself into a grasping landlord, would require of every settler who might go upon the lands and cultivate them, the payment of a certain per cent. upon all the products raised by him as rent. And yet such is precisely the operation of the system now pursued in relation to the mineral lands; the government not only refuses to relinquish its interest in them, but it extorts a heavy tax from all who work them. Instead of aiding and encouraging the enterprise of the citizen, the effect of the policy is to cripple his energies and palsy his industry. I conceive the whole system to be eminently unjust in its bearing upon a large number of the inhabitants of this Territory, and hope soon to have the pleasure of witnessing its overthrow. It is the opinion of intelligent men who have had opportunities of advising themselves on the subject, that the labor employed in the business of mining is worse paid for, in the aggregate, than that employed in any other branch of industry. Men toil for years frequently, without meeting with the slightest encouragement; and if, in the end, success crowns their perseverance, the government, like a hard task-master, immediately steps in and wrests from them such a portion of their hard earnings as it may suit its convenience to demand. The best course, undoubtedly—best for the government, and best for the miner—would be to sell the lands as other lands are sold, varying only in the particulars of quantity and price, which might easily be regulated to the satisfaction of all. An expression of opinion by you, Gentlemen, on this important subject, at the present time, could scarcely fail of being attended with salutary results, particularly as it is understood a revision and modification of the system will be attempted this winter.

The improvement, by slackwater or otherwise, of that most beautiful of all rivers, the Des Moines, is a subject in which deep interest is felt by our fellow citizens residing in the Western and Southern counties. Coursing, as it does, through a very fertile and densely populated portion of the Territory, this stream, once rendered susceptible of steam navigation, would soon become the thoroughfare for a vast amount of inland trade. The practicability of so improving it is generally conceded; but being destitute ourselves of the means necessary to its accomplishment, the question at once presents itself, "how, and at whose expense, is the work to be done?" At present we have but one resource to turn to, and that is the general government. Grants of lands have been made in several instances by Congress to works of infinitely less importance; and for any reasonable donation of this kind to the improve-



ment in question the government might safely calculate upon being speedily reimbursed, in the increase of its receipts from the lands lying contiguous to the river. A memorial to Congress, setting forth the subject in its proper light, might possibly receive a favorable reception at the hands of that body. Whether or not such a memorial shall be adopted is for you to say.

The rapid accumulation of the public debt of the Territory is beginning to attract the attention of the people, who, as the period approaches at which they expect to be called on to support the expenses of a state government, naturally seek to advise themselves of the extent of the burthens they are about to assume. That our liabilities, with our legislative and judicial expenses borne by the general government, should have reached their present aggregate, is truly unaccountable. What is past, however, cannot be repaired; we can only guard against the augmentation of the debt in future. To do this effectually, it will be necessary to institute a more rigid system of enquiry and investigation into the justness and legality of claims brought against the Territory than has heretofore prevailed. It will also be found, upon examination, that under our laws there are some items of expenditure chargeable to this fund which might be either diminished, or totally done away with, without serious detriment to the public interests; and in all such cases, I take it for granted, the proper corrective will be applied. If possible, also, some measures should be adopted to ensure the more regular payment of the Territorial tax into the treasury by the county collectors, much delay and irregularity in this particular having heretofore prevailed.

The reports of the Auditor of Public Accounts, Commissioner of Public Buildings, and Warden of the Penitentiary, not being yet before me, I am unable to communicate to the Legislature any information in relation to those subjects which it is not already in possession of. These documents will doubtless be forthcoming at the proper time; and at a day early enough to admit of such action in reference to them as in your judgment will best advance the public interests.

The evils of overlegislation are so generally acknowledged, that any attempt by me to impress the important truth upon your minds, would justly be looked upon as supererogation. At the same time that we concede the evil, however, we have not avoided running into it; for perhaps no community ever suffered more severely from the cause in question, than have the people of Iowa. Stability in the laws (presuming them to be wisely framed) is of the utmost importance to those for whose benefit they were enacted; but with us, few enactments are permitted to remain long enough on the statute book to permit their wisdom to be tested. The magnitude of the evil is felt and complained of by the public; and I should feel that part of my duty had been omitted, did I pass by the subject without, in some manner, alluding to it. In view of our admission into the Union as a State at an early period, the fewer the changes made in our statute book, the better. Acts of pernicious tendency, it is true, should not be permitted to remain in existence after being tested and condemned by time; but the point to be



avoided is, legislation for legislation's sake. I trust and believe that the Legislature will be found to entertain views on this subject similar to my own; and that, animated by wise counsels and patriotic considerations, it will limit its action to such subjects only as are of pressing importance, and are conceded to require the interposition of the law.

Economy in the expenditures of the fund set apart by Congress for the legislative expenses of Iowa is of the first importance, and cannot be too rigidly practised. The appropriation being amply sufficient, as I conceive it to be, after paying off all the arrearages of the May session, to defray the expenses of a session of such duration as the public wants require, we should incur a heavy load of responsibility indeed, were we to contract an excess of liabilities, especially as such excess would inevitably fall upon the Territorial treasury, and would thus be made to swell the load of debt, already sufficiently large, which the people will be required to assume upon their organization of a State government.

I avail myself of the opportunity to say, in conclusion, that it will afford me great pleasure to co-operate with the Legislature in all measures calculated to exert a favorable influence upon the destinies of our Territory, and the happiness of its people. Uniting, as we undoubtedly shall, in our efforts to effect so desirable a result, my sincere prayer is that we may not be disappointed in our anticipation of the effect of our works.

JAMES CLARKE.

December 3, 1845.

On motion of Mr. Morgan,

Ordered, That 2000 copies of the Governor's message be printed for the benefit of the members of the House.

On motion of Mr. Patterson,

The House adjourned.



THURSDAY MORNING, 10 O'CLOCK,

DECEMBER 4, A. D. 1845.

Mr. Patterson presented the credentials of Gen. Jesse B. Brown, member elect from the county of Lee.

On motion of Mr. Patterson,

Mr. Brown was sworn into office and permitted to take his seat.

Mr. Banks presented the petition of Robert Stewart and 42 others, citizens of Muscatine county, praying for the vacation of a part of a certain road leading from Wyoming to Moscow;

Which,

On Motion of Mr. Banks,

Was referred to the committee on Roads and Highways.

On motion of Mr. Sheledy,

*Resolved*, That so much of the Governor's message, as relates to the improvement of the navigation of the Des Moines river, be referred to a select committee, consisting of the members from the river counties.

Messrs. Sheledy, Ferguson, Flint, Brown and Lester were appointed said committee.

Mr. Sheledy gave notice that he would, on to-morrow or some future day, ask leave to introduce,

"A Bill to lay an additional tax for Territorial purposes."

Mr. Morgan gave notice that he would, on to-morrow or some future day, ask leave to introduce,

"A Bill to provide for the election of delegates to form a constitution for the government of the State of Iowa."

Mr. Snyder gave notice that he would, on to-morrow or some future day ask leave to introduce,

A Bill to legalize Territorial and county roads, where they have not been recorded at length.

Mr. McMichael gave notice that he would, on to-morrow or some future day ask leave to introduce,

A Bill amendatory of an act to amend an act to provide for laying a tax on real and personal property for road purposes.

On motion of Mr. Ripley,

*Resolved*, That the committee on Roads and Highways be instructed to enquire into the expediency of opening all section lines in this Ter-



ritory, and also, half section lines where the public good requires it; and that they have leave to report by bill or otherwise.

Mr. Sheledy gave notice that he would, on to-morrow or some future day, ask leave to introduce

A Bill to authorize the collector of taxes in Mahaska county, to collect the taxes in Marion county for the years 1844 and 1845.

The Chief Clerk, Mr. Thompson, in compliance with a resolution of this House, reported that he had performed the duties required of him by said resolution, by engaging the Post Master of this city, to open an account against this House for all the postage on letters and papers sent to and from the same; for the liquidation of which amount he is to wait until there shall be a general appropriation made for the payment of Legislative expenses.

On motion of Mr. Morgan,

The House adjourned.

TWO O'CLOCK, P. M.

On motion of Mr. Morgan,

The Governor's message was taken from the table.

On motion of Mr. Morgan,

So much of the Governor's message as relates to the Southern Boundary of the Territory, was referred to the committee on Territorial Affairs.

On motion of Mr. Morgan,

Ordered, That so much of the message as relates to a State Government, be referred to the committee on Territorial Affairs.

On motion of Mr. Wilson,

Ordered, That so much of the message as relates to the sale of the mineral lands, be referred to a select committee.

Messrs. Wilson, Brown, Munger, Sheledy and Taylor, were appointed said committee.

On motion of Mr. Wilson,

Ordered, That so much of the message as relates to the Winnebago Indians, be referred to the gentleman from Clayton, Mr. Murdock.

On motion of Mr. Wilson,

The vote referring so much of the message as relates to the Southern boundary of the Territory, to the committee on Territorial Affairs, was reconsidered.

On motion of Mr. Wilson,



The motion was amended by inserting the committee on the "Judiciary" instead of "on Territorial Affairs;" and the motion thus amended, was carried in the affirmative.

On Motion of Mr. Sheledy,

*Ordered*, That so much of the message as relates to the formation of new counties, be referred to the committee on New Counties.

On motion of Mr. Snyder,

*Ordered*, That so much of the message as relates to the public debt of the Territory, be referred to the committee on Ways and Means.

On motion of Mr. Taylor,

*Resolved*, That the committee on Roads and Highways be instructed to enquire into the expediency of requiring the petitioners for roads and highways to pay all expenses for laying out and surveying the same; and report by bill or otherwise.

Mr. Murdock offered the following;

*Resolved*, That the Judiciary committee be instructed to enquire as to whether the present session of the Legislature is a regular session under the organic law, or a continuation of the last session; and that they report as soon as convenient.

Mr. Hancock made a motion to lay the resolution on the table;

Which was decided in the negative.

The question then recurred on the adoption of the resolution, and was decided in the affirmative.

On motion of Mr. Sheledy,

*Ordered*, That so much of the message as relates to the evils of over legislation, be referred to the committee on the Judiciary.

On motion of Mr. Clifton,

The House adjourned.

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FRIDAY MORNING, 10 O'CLOCK.

DECEMBER 5, A. D. 1845.

Mr. Robertson offered the following resolution:

*Resolved*, That Willard Barrows of Scott county, be allowed the sum of sixty-five dollars for maps and notes of Iowa, furnished the Legislature as per resolution of the House at its May session, 1845; and that the Secretary of the Territory be, and he is hereby authorized



to pay the same out of the appropriation now on hand to defray the expenses of the present Legislative assembly.

Mr. Wilson made a motion to amend the resolution, by striking out the words "sixty-five," and inserting "forty."

Mr. Ferguson made a motion to refer the resolution to the committee on claims.

On motion of Mr. Sheledy,

*Ordered*, That the resolution be laid upon the table.

On motion of Mr. Wright,

*Ordered*, That the resolution offered by Mr. Taylor, instructing the Chief Clerk to furnish each member with a copy of the revised statutes of this Territory, &c., be taken from the table.

On motion of Mr. Wright,

The resolution was amended so as to read as follows:

*Resolved*, That the Secretary of the Territory be required to furnish each member of this House with a copy of the revised statutes of this Territory, a copy of the laws of 1843-4, also a copy of the journal of the last session."

The question being on the adoption of the resolution, was decided in the affirmative.

So the resolution, as amended, was adopted.

On motion of Mr. Wilson,

*Resolved*, That the Territorial Treasurer be requested to report to this House the amount of indebtedness of the Territory; the present means of paying off such indebtedness, and if, in his opinion, there is any other manner of collecting the revenue preferable to the present mode; so that the House can take prompt steps to a speedy extinguishment of the debts of the Territory.

Mr. Murdock gave notice that he would, on to-morrow or some future day, ask leave to introduce,

A Bill to amend an act entitled, "An act concerning grand and petit jurors."

Also,

A Bill to authorize James McGregor, jr., to keep a ferry across the Mississippi river in the county of Clayton.

On motion of Mr. Wilson,

*Resolved*, That the committee on Military Affairs be instructed to inquire into the expediency of abolishing the salary of the Adjutant General of the militia of this Territory.

On motion of Mr. Snyder,

*Resolved*, That the committee on Common Schools be instructed to



inquire whether any amendment be required to the law on the subject of common schools; and report by bill or otherwise.

The following message was then received from the Council, by Mr. Kinney, their secretary:

MR. SPEAKER:

I am directed to inform the House of Representatives that Messrs. Coop, Leffler and Summers have been appointed a committee on the part of the Council, to act in conjunction with a similar committee on the part of the House of Representatives for the purpose of framing the necessary rules to regulate the intercourse of the two Houses.

And then he withdrew.

Mr. Snyder, having given previous notice, and upon leave being granted, introduced

No. 1, H. R. File, A Bill to legalize Territorial and county roads;  
Which was read a first time.

On motion of Mr. Wilson,

*Ordered*, That the 42d rule be suspended, and the bill be read a second time now.

The bill was read a second time accordingly; and,

On motion of Mr. Snyder,

Referred to the committee on Roads and Highways.

On motion of Mr. Wilson,

*Ordered*, That a committee of three be appointed to act in conjunction with a similar committee on the part of the Council, in framing suitable rules for the joint intercourse between the two Houses.

Messrs. Wilson, Robertson and Morgan were appointed said committee.

*Ordered*, That the Council be informed thereof.

On motion of Mr. Murdock,

The House adjourned.

TWO O'CLOCK, P. M.

The following message was received from the Council, by Mr. Kinney, their secretary:

MR. SPEAKER:

I am directed to inform the House of Representatives that the Council have passed

No. 3, C. File, A Bill to amend an act entitled, "An act relative to divorce, alimony and other purposes;" approved, 20th January, 1845.

Also,

No. 5, C. File, A Bill to amend an act entitled, "An act to allow and regulate the action of right;" approved, December 29th, 1838.



In which the concurrence of the House of Representatives is requested.

And then he withdrew.

On motion of Mr. Sheledy,

The House adjourned.

SATURDAY MORNING, 10 O'CLOCK.

DECEMBER 6, A. D. 1845.

Mr. Sheledy presented the following resolution:

*Resolved*, That our Delegate in Congress be requested to use his best exertions to procure the removal of the Land Office from Fairfield in Jefferson county, to Oskaloosa in Mahaska county, prior to the land sales in the spring of 1846.

On motion of Mr. Sheledy,

*Ordered*, That the resolution be laid on the table.

On motion of Mr. Robertson,

*Ordered*, That the resolution authorising the Secretary to pay Willard Barrows sixty-five dollars for maps and notes of Iowa, &c., be taken from the table.

Mr. Wilson offered the following, as a substitute:

*Resolved*, That the members of this House, who have received them, pay for Barrow's maps out of their own private funds, instead of out of the legislative fund.

Mr. Taylor made a motion to amend the substitute by inserting the following:

"Provided, they see proper to do so;"

Which was decided in the negative.

The question then recurred, on the adoption of the substitute offered by Mr. Wilson;

Which was decided in the negative:

Yeas 4, Nays 22.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Flint, Ferguson, Holland and Wilson.

Those who voted in the negative, are

Messrs. Banks, Brown, Clifton, Coy, Downey, Graham, Hancock, Huner, Lester, Morgan, Munger, Murdock, McMichael, Patterson,



Ripley, Robertson, Sheledy, Snyder, Taylor, Woodworth, Wright and McCleary, Speaker.

On motion of Mr. Patterson,

*Ordered*, That the resolution be referred to the committee on Expenditures.

Mr. McMichael gave notice that he would, on Monday, or some future day, ask leave to introduce,

A joint resolution instructing our Delegate in Congress to use his influence, to get an appropriation to rebuild the bridge over Flint river in Des Moines county, on the mail route leading from Burlington to Iowa City, *via* Bloomington,

Mr. Flint gave notice that he would, on Monday, or some future day, ask leave to introduce,

A Bill to amend an act entitled, "An act to authorise the several boards of county commissioners to grant permits for constructing dams across navigable rivers, so that the person who may obstruct the navigation of the Des Moines river may be prosecuted in any county adjoining the said river.

Mr. Taylor gave notice that he would, on Monday or some future day, ask leave to introduce,

A Bill to amend an act entitled, "An act to organize, discipline and govern the militia of this Territory.

Mr. Wilson, from the committee appointed to frame joint rules for the intercourse between the two Houses, reported as follows:

"The committee appointed by the House to act in conjunction with a committee of the Council, to agree upon the rules regulating the intercourse between the two Houses, beg leave to report, that they have agreed upon the joint rules of the last session;"

Which,

On motion of Mr. Morgan,

Was agreed to.

Mr. Wright, from the committee on Roads and Highways, to whom was referred,

No. 1, H. R. File, A Bill to legalize territorial and county roads, Reported the same back to the House, and recommended its passage.

Mr. Murdock, having given previous notice, and on leave being granted, introduced,

No. 2, H. R. File, A Bill to repeal an act concerning grand and petit jurors; approved, February 15, 1844; and to revive certain other acts therein named;

Which was read a first time.



No. 3, C. File, A Bill to amend an act entitled, "An act relative to divorce, alimony, and other purposes;" approved 20th January, 1845.  
Was read a first time.

On motion of Mr. Sheledy,

The 42d rule was suspended, the bill read a third time, referred to a committee of the whole House, and made the order of the day for Monday next.

On motion of Mr. Wright,

The House adjourned until Monday morning next at 10 o'clock.

### MONDAY MORNING, 10 O'CLOCK.

DECEMBER 8, A. D. 1845.

Mr. Speaker presented a report from the Territorial Treasurer, responsive to a resolution of this House.

Mr. Brown made a motion to refer the report to the committee on Territorial Affairs.

Mr. Wilson made a motion to amend the motion by adding the following:

"And that 240 copies of the Report be printed;"

Which was decided in the affirmative.

The question then recurred on the motion of Mr. Brown as amended; and,

Was decided in the affirmative.

On motion of Mr. Brown,

*Resolved*, That the committee on Roads and Highways be instructed to examine the necessity of amending the first section of an act entitled, "An act to prevent and punish the obstruction of public roads and highways;" approved June 11th, 1845; and, that they be instructed to report by bill or otherwise.

Mr. Patterson gave notice that he would, on to-morrow or some future day, ask leave to introduce,

A memorial to Congress for an appropriation to defray the expenses growing out of the dispute between the Territory of Iowa and the State of Missouri, in relation to the southern boundary line.

On motion of Mr. Robertson,

*Resolved*, That a committee, consisting of one member from each



electoral district, be appointed to memorialize Congress upon the subject of mail routes in the Territory of Iowa.

Messrs. Robertson, Murdock, Graham, Snyder, Downey, Banks, Sheledy, Flint, Woodworth, Ferguson, Brown and McMichael were appointed said committee.

Mr. Brown gave notice that he would, on to-morrow or some future day, ask leave to introduce,

A Bill for the apprehension of criminals, and for the suppression of crime and acts of misdemeanor.

On motion of Mr. Hancock,

*Resolved*, That Doctor Flint of Wapello, be allowed the use of the Hall for religious services on Tuesday evening next.

Mr. McMichael gave notice that he would, on to-morrow or some future day, ask leave to introduce,

A Bill to amend an act entitled, "An act to amend an act to provide for assessing and collecting public revenue."

Mr. Downey presented the account of Peter Conbay, for 12 days labor cleaning and preparing the Capitol for the reception of the Legislature, at \$1 50 per day, \$18 00

Which was referred to the committee on Claims.

Mr. Morgan from the committee on the Judiciary, submitted the following report:

The committee on the Judiciary, to whom was referred so much of the Governor's message as relates to the "evils of over-legislation," beg leave to report, that, in the opinion of the committee, the subject so referred, does not present a proper subject of legislation. The province of committees extends only to such matters as can be presented in the form of propositions for the action of the whole House. The matter referred in the present instance, furnishes neither a proposition nor a basis upon which a proposition may be founded. It is, in fact, a mere suggestion of His Excellency relative to one of the abuses of the times—a species of admonition which frequently, and sometimes, not improperly, accompanies Executive communications, and which, at the same time, does not, in itself, afford a legitimate object for legislative action.

No. 5, C. File, A Bill to amend an act entitled, "An act to allow and regulate the action of right;" approved Dec. 29th, 1838,

Was read a first time.

No. 1, H. R. File, A Bill to legalize territorial and county roads, Was read a second time; and,

On motion of Mr. Wilson,

Ordered to be engrossed and read a third time to-morrow.

No. 2, H. R. File, A Bill to repeal an act concerning grand and petit jurors,



Was read a second time; and,  
Referred to the committee on the Judiciary.

No. 3, C. File, A Bill to amend an act entitled, "An act relative to divorce, alimony and other purposes;" approved, 20th January, 1843, being the order of this day, was considered in committee of the whole House; Mr. Hancock in the chair.

After some time spent therein, the committee rose,  
Mr. Speaker resumed the chair, and the chairman referred the bill back to the House amended by striking out all after the enacting clause, which,

On motion of Mr. Snyder,

Was concurred in by the House.

On motion of Mr. Robertson,

The enacting clause of the bill was stricken out.

Ordered, That the Council be informed thereof.

Mr. McCleary gave notice, (Mr. Wilson being in the chair) that he would on to-morrow, or some future day, ask leave to introduce  
A Bill to incorporate the Wapello Lyceum and Library Association.

On motion of Mr. Taylor,

The House adjourned.

TWO O'CLOCK, P. M.

Mr. Sheledy having given previous notice, and upon leave being granted, introduced,

No. 3, H. R. File, A Bill to levy an additional tax for Territorial purposes;

Which was read a first time.

Mr. Patterson presented the report of the warden of the penitentiary.

On motion of Mr. Patterson,

Ordered, That the report be referred to the committee on Territorial Affairs.

Mr. McMichael, having given previous notice, and upon leave being granted, introduced

No. 4, H. R. File, A joint resolution instructing our delegate in Congress to use his influence to get an appropriation to re-build the bridge over Flint river in Des Moines county;

Which was read a first time.

On motion of Mr. Taylor,

The 42d rule was suspended, and the resolution read a second time.



On motion of Mr. Robertson,

The resolution was amended by adding the words following:

"And that the Secretary be instructed to forward a copy of the resolution to our delegate in Congress."

On motion of Mr. Clifton,

*Ordered*, That the resolution be engrossed, and read a third time to-morrow.

On motion of Mr. Brown,

The House adjourned.

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TUESDAY MORNING, 10 O'CLOCK,

DECEMBER 9th, A. D. 1845.

Mr. Flint gave notice that he would on to-morrow, or some future day ask leave to introduce,

A joint resolution, requesting our Delegate in Congress, to procure an appropriation to improve the Des Moines river.

Mr. Taylor gave notice that he would, on to-morrow or some future day, ask leave to introduce,

A Bill to amend an act regulating interest on money.

Mr. Taylor, from the committee on Engrossed Bills, reported, that said committee had carefully examined,

No. 1, H. R. File, A Bill to legalize Territorial and county roads;  
And,

No. 4. H. R. File, Joint Resolution instructing our Delegate in Congress to use his influence to get an appropriation, to re-build the bridge over Flint river in Des Moines county, and found them correctly engrossed.

Mr. Robertson, from the committee on Expenditures, submitted the following report:

"The committee on Expenditures, to which was referred a resolution of the House, authorising the payment of Willard Barrows for maps furnished this House, have had the same under consideration, and a majority of said committee have instructed me to report for adoption the following resolution:

"*Resolved*, That Willard Barrows of Scott county, be allowed the sum of sixty-five dollars for maps and notes of Iowa, furnished the members of the Legislature as per resolution of the House at its May



session, 1845; and that the Secretary of the Territory be, and he is hereby, authorized to pay the same out of any funds now on hand not otherwise appropriated."

Mr. Murdock, having given previous notice, and upon leave being granted, introduced,

No. 5, H. R. File, A Bill to authorize James McGregor, jr., to keep a ferry across the Mississippi river in the county of Clayton.

Which was read a first time.

Mr. Patterson, having given previous notice, and upon leave being granted, introduced

No. 6, H. R. File, Memorial for an appropriation to complete the Iowa Penitentiary;

Which was read a first time.

On motion of Mr. Wilson,

The 42d rule was suspended, and the memorial read a second time.

On motion of Mr. Brown,

*Ordered*, That the memorial be engrossed and read a third time tomorrow.

Mr. Patterson, having given previous notice, and upon leave being granted, introduced,

No. 7, H. R. File, A Memorial to Congress, praying for an appropriation to defray the expenses growing out of the dispute between the Territory of Iowa and the State of Missouri, in relation to the southern boundary line;

Which was read a first time.

On motion of Mr. Brown,

The 42d rule was suspended, and the memorial read a second time.

On motion of Mr. Patterson,

*Ordered*, That the memorial be engrossed, and read a third time tomorrow.

No. 5, C. File, A Bill to amend an act entitled, "An act to allow and regulate the action of right; approved Dec. 29, 1838,

Was read a second time; and,

On motion of Mr. Patterson,

Referred to the committee on the Judiciary.

No. 3, H. R. File, A Bill to lay an additional tax for Territorial purposes,

Was read a second time; and,

On motion of Mr. Brown,

Referred to the committee on the Judiciary.



No. 1, H. R. File, A Bill to legalize territorial and county roads;  
Was read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 4, H. R. File, Joint resolution instructing our Delegate in Congress, to use his influence to get an appropriation to re-build the bridge over Flint river, in Des Moines county,

Was read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

The following message was then received from the Council, by Mr. Kinney, their secretary:

MR. SPEAKER:

I am directed to inform the House of Representatives that the Council have passed

No. 1, C F A Bill to amend an act for assessing Territorial tax, and for other purposes; approved 15th February, 1844;

Also,

No. 10, C. File, A Bill to repeal all laws in force allowing compensation to military officers in this Territory;

In which the concurrence of the House of Representatives is requested.

The Council have concurred in the amendment made by the House, to No. 3 C. File, A Bill to amend an act entitled, "An act relative to divorce, alimony, and other purposes;" approved, 20th January, 1843.

And then he withdrew.

Mr. Sheledy gave notice that he would, on to-morrow or some future day, ask leave to introduce,

A memorial to Congress, asking an appropriation to continue the government road leading from Burlington to the Old Agency, to the New Agency, at the Raccoon fork, and from thence to Council Bluffs.

Mr. Clifton presented the claim of Alexander Stephen, for 4 day's service cutting wood, &c., previous to the meeting of the Legislature in May last, at \$1 50 per day; \$6 00

Which,

On motion of Mr. Clifton,

Was referred to the committee on Claims.

Mr. Snyder gave notice that he would, on Monday, or some future day, ask leave to introduce,

A memorial to Congress, asking an appropriation to build a bridge across Cedar river, where the military road from Du Buque to Iowa City, crosses said river.

Mr. Banks presented the petition of Elijah Dollerhide, and 9 others, citizens of Muscatine county, praying for an extension of the time for working on the road for the year 1845; which,



On motion of Mr. Banks,

Was referred to the committee on Roads and Highways.

Mr. McCleary, having given previous notice, and upon leave being granted, (Mr. Patterson being in the chair,) introduced,

No. 8. H. R. File, A Bill to incorporate the Wapello Lyceum, and Library Association;

Which was read a first time.

Mr. Sheledy presented the following resolution:

*Resolved*, That a committee of five be appointed to receive sealed proposals for printing the laws and Journals of the present House of Representatives, and that they lay said sealed proposals before this House, at as early a day as possible.

Mr. Hancock made a motion to lay the resolution on the table;

Which was decided in the affirmative.

Yeas 18, Nays 8.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Coy, Flint, Ferguson, Graham, Hancock, Huner, Lester, Morgan, Murdock, McMichael, Patterson, Ripley, Snyder, Taylor, Wilson, Wright and McCleary, Speaker.

Those who voted in the negative, are

Messrs. Brown, Clifton, Downey, Holland, Munger, Robertson, Sheledy and Woodworth.

So the resolution was laid upon the table.

On motion of Mr. Clifton,

The House adjourned until to-morrow morning at 10 o'clock.

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### WEDNESDAY MORNING, 10 O'CLOCK,

DECEMBER 10th, A. D. 1845.

Mr. Downey gave notice that he would, on to-morrow or some future day, ask leave to introduce,

A Bill to amend an act entitled, "An act to provide for assessing and collecting public revenue;" approved 28th May, 1845.

*Lowell State Library*



Mr. Taylor, from the committee on Engrossed Bills, reported that they had carefully examined,

No. 6, H. R. File, Memorial for an appropriation to complete the Iowa Penitentiary; And,

No. 7, H. R. File, A memorial to Congress, praying for an appropriation to defray the expenses growing out of the dispute between the Territory of Iowa and the State of Missouri, in relation to the southern boundary line, and found them correctly engrossed.

Mr. Murdock, from the committee on the Judiciary, to which was referred,

No. 2, H R File, A Bill to repeal an act concerning grand and petit jurors, approved February 15th, 1844; and to revive certain other acts herein named, reported the same back to the House without amendment, and recommended its passage.

Mr. Taylor, having given previous notice, and upon leave being granted, introduced

No. 9, H. R. File, A Bill to amend an act regulating interest on money;

Which was read a first time.

Mr. McMichael having given previous notice, and upon leave being granted, introduced

No. 10, H. R. File, A Bill to amend an act entitled, "An act to amend an act, entitled, 'An act to provide for assessing and collecting public revenue;'" approved 28th May, 1845;

Which was read a first time.

Mr. Flint having given previous notice, and upon leave being granted, introduced,

No. 11, H. R. File, A Joint Resolution requesting our Delegate to procure an appropriation to improve the navigation of the Des Moines river;

Which was read a first time.

On motion of Mr. Taylor,

The 42d rule was suspended, and the resolution read a second time.

On motion of Mr. Munger,

The 42d rule was suspended, the resolution read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Ferguson offered the following resolution:

Resolved, That an error was committed in the message of the Clerk of this House, to the Council in relation to

No. 3, C. F., A Bill relative to divorce, alimony and other purposes, and that the Council be informed thereof.

Mr. Downey offered the following as a substitute for the above:



*Ordered*, That the Council be informed thereof.

No. 7, H. R. File, A memorial to Congress, praying for an appropriation to defray the expenses growing out of the dispute between the Territory of Iowa and the State of Missouri, in relation to the southern boundary line.

Was read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

The report of Mr. Robertson from the committee on Expenditures, in regard to Barrow's maps furnished the Legislature, was taken up, and the Resolution adopted.

On motion of Mr. Murdock,

The House adjourned.

TWO O'CLOCK, P. M.

On motion of Mr. Sheledy,

The message was taken up.

No. 8, C. F. A Bill to amend an act entitled, "An act regulating criminal proceedings;" approved January 4th, 1839.

Was read a first time.

On motion of Mr. Brown,

The House adjourned.

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THURSDAY MORNING, 10 O'CLOCK,

DECEMBER 11, A. D. 1845.

Mr. Taylor presented the petition of William Chadwell and 24 others, praying for a Territorial road, leading from the military road near the South Fork, Maquoketa Bridge, to intersect the road leading from Jenkins, in Linn county, to Olmstead's mills, in Delaware county;

Which,

On motion of Mr. Ferguson,

Was referred to the committee on Roads and Highways.

Mr. Wright from the committee on Roads and Highways, to which was referred the petition of 43 persons, citizens of Muscatine county,



"Resolved, That the House of Representatives, in their acting upon Council bill, No 3, meant by striking out the enacting clause of said bill, that they had refused to pass it; and that the bill was defeated in the House; and that this understanding is in accordance with the parliamentary rules which govern all legislative bodies;"

Which was adopted.

The following message was received from the Council by Mr. Kinney, their Secretary:

MR. SPEAKER:

I am directed to inform the House of Representatives, that the Council have passed,

No. 8, C. F. A Bill to amend an act entitled, "An act regulating criminal proceedings;" approved January 4th, 1839.

In which the concurrence of the House of Representatives is requested.

And then he withdrew.

Message from the Council was taken up.

No. 1, C. F. A Bill to amend an act for assessing Territorial tax, and for other purposes; approved 15th February, 1844;

Was read a first time.

No. 10, C. F. A Bill to repeal all laws, now in force allowing compensation to military officers in this Territory;

Was read a first time.

On motion of Mr. Banks,

The 42d rule was suspended, the bill read a second time, and, Referred to the committee on Military Affairs.

No. 5, H. R. File, A Bill to authorize James McGregor, junior, to keep a ferry across the Mississippi river, in the county of Clayton;

Was read a second time.

Mr. Murdock made a motion, that the bill be engrossed and read a third time to-morrow, pending which,

On motion of Mr. Taylor,

It was referred to the committee of the whole House, and made the order of the day for to-morrow.

No. 8, H. R. File, A Bill to incorporate the Wapello Lyceum, and Library Association,

Was read a second time; And,

On motion of Mr. Hancock,

Referred to the committee on Corporations.

No. 6, H. R. File, Memorial for an appropriation to complete the Iowa penitentiary;

Was read a third time, passed, and its title agreed to.



praying for the vacation of a certain part of a road from Wyoming to Moscow, reported

No. 11, H. R. File, A Bill to vacate a part of the territorial road from Wyoming to Moscow;

Which was read a first time.

On motion of Mr. Banks,

The 42d rule was suspended, and the bill read a second time.

On motion of Mr. Taylor,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

*Ordered*, That the Council be informed thereof.

Mr. Sheledy having given previous notice, and upon leave being granted, introduced,

No. 12, H. R. File, Memorial to Congress, asking an appropriation to continue the military road leading from Burlington to Agency City;

Which was read a first time.

No. 9, H. R. File, A Bill to amend an act regulating interest on money;

Was read a second time; and,

On motion of Mr. Murdock,

Referred to the committee on the Judiciary.

No. 10, H. R. File, A Bill to amend an act entitled, "An act to amend an act, entitled, 'An act to provide for assessing and collecting public revenue;'" approved 28th May, 1845;

Was read a second time; and,

On motion of Mr. Robertson,

Referred to a select committee.

Messrs. Robertson, McMichael, Brown, Murdock and Taylor, were appointed said committee.

No. 1, C. F. A Bill to amend an act for assessing Territorial tax, and for other purposes; approved 15th February, 1844;

Was read a second time; and,

On motion of Mr. Wilson,

Referred to the above select committee.

No. 8, C. File, A Bill to amend an act, entitled, "An act regulating criminal proceedings;" approved January 4th, 1839,

Was read a second time; and,

On motion of Mr. Murdock,

Referred to the committee on the Judiciary.

No. 2, H. R. File, A Bill to repeal an act concerning grand and



petit jurors, approved Feb. 15th, 1844, and to revive certain other acts herein named;

Which was reported back to the House by Mr. Murdock from the committee on the Judiciary, with a recommendation of its passage,

Was read a second time.

The question was then put—

“Shall the bill be engrossed?” and decided in the negative.

Yeas 9, Nays 17.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Downey, Graham, Holland, Morgan, Murdock, McMichael, Ripley, Wilson and Wright.

Those who voted in the negative, are

Messrs. Banks, Brown, Clifton, Coy, Flint, Ferguson, Hancock, Huner, Lester, Munger, Patterson, Robertson, Sheledy Snyder, Taylor, Woodworth and McCleary, Speaker.

The following message was received from the Council by Mr. Kinney, their Secretary:

MR. SPEAKER:

I am directed to inform the House of Representatives, that the Council have passed,

No. 11, C. File, A Bill to repeal an act to postpone the election of members of the House of Representatives of the Territory of Iowa, from August until April;

Also,

No. 12, C. File, A Bill to amend an act entitled, “An act providing for the appointment of District Prosecutors, and defining their duties.”

In which the concurrence of the House of Representatives is requested.

And then he withdrew.

Mr. Brown made a motion to indefinitely postpone the bill under consideration;

Which was decided in the negative.

Yeas 9, nays 16.

The yeas and nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Banks, Brown, Clifton, Ferguson, Hancock, Lester, Munger, Woodworth and McCleary, Speaker.

Those who voted in the negative, are

Messrs. Coy, Downey, Flint, Graham, Holland, Huner, Morgan, Murdock, McMichael, Patterson, Robertson, Sheledy, Snyder, Taylor, Wilson and Wright.

On motion of Mr. Snyder,



The bill was referred to a select committee.

Messrs. Snyder, Murdock, Ripley, Sheledy, and Downey were appointed said committee.

No. 5, H. R. File, A Bill to authorize James McGregor, junior, to keep a ferry across the Mississippi river, in the county of Clayton; being the order of the day for this day, was taken up; and,

On motion of Mr. Murdock,

The consideration thereof was postponed until 2 o'clock, P. M.

On motion of Mr. Murdock,

The House adjourned.

TWO O'CLOCK, P. M.

No. 5, H. R. File, A Bill to authorize James McGregor, jr., to keep a ferry across the Mississippi river in the county of Clayton, being the order of the day for this day, and the consideration thereof having been postponed to this hour, was taken up, and considered in committee of the whole House, (Mr. Wilson in the chair,) and after some time spent therein, the committee rose, the Speaker resumed his seat, and the chairman reported the bill back to the House, with sundry amendments;

All of which were concurred in.

On motion of Mr. Robertson,

*Ordered*, That the bill be engrossed, and read a third time to-morrow.

On motion of Mr. Patterson,

The House adjourned.

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FRIDAY MORNING, 10 O'CLOCK.

DECEMBER 12, A. D. 1845.

On motion of Mr. Ripley,

*Resolved*, That the committee on Territorial Affairs be instructed to inquire into the expediency of changing the law in relation to the election of constables in this Territory; and that they have leave to report by bill or otherwise.

Mr. Ferguson gave notice that he would, on to-morrow or some future day, ask leave to introduce,



A joint resolution for the adjournment of the Legislature.

Mr. Wright, from the committee on Roads and Highways, submitted the following report:

"The committee on Roads and Highways, to whom was referred a resolution instructing said committee to take into consideration the expediency of opening all section lines, &c. Also, a resolution requiring petitioners to pay the expense of viewing roads, have had the same under consideration, and instructed me to report, That, in their opinion, any further legislation on the same would be inexpedient."

On motion of Mr. Ripley,

That part of the report which relates to section lines, &c., was re-committed to a special committee.

Messrs. Ripley, Munger, Murdock, Lester and Robertson, were appointed said committee.

The balance of the report was concurred in.

Mr. Morgan, from the committee on the Judiciary, made the following report:

The committee on the Judiciary, to whom was referred a resolution of the House, instructing said committee to inquire into the fact as to whether the present session of the Legislature is a regular annual session, or the continuation of the session of May last, beg leave to report, That they have had the same under consideration, and are of opinion that the present is, within the spirit and letter of the organic law, a regular annual session of the Legislature of this Territory.

The session of May last, was a regular annual session, the convening of which had merely been postponed from the first Monday in December preceding, with a view to a contingency then liable to occur in the change of our form of government. In other words, the postponement was made for the public convenience, and to afford the people every facility to carry forward the plan then before them for forming a State Government. This postponement, however, did not, in the opinion of your committee, change the character of the session itself. It still remained the annual session provided for in the organic law, and for which the usual annual appropriation had been made by Congress, though postponed by a special act of the Legislature from one month to another month. It was convened accordingly (under the act of postponement,) and at the close of its labors it was adjourned *sine die*.

The motive of the adjournment of the session is of itself sufficient to preclude the possibility of its continuous existence.

The authority of the Legislature to change by enactment the time of convening the same, is too clear to admit of doubt. The special act of the session of 1843, & '44 postponing the annual meeting of the Legislature from December 1844, to May 1845, was, therefore legal; and the meeting of the Legislature under said act was of course, equally legal. But it is to be borne in mind that the operation of this special act extended only to the session which it postponed from December until May, whilst the general law of the Territory, fixing the time for



the annual meeting of the Legislature was left in full force, and remains in full force. The objects contemplated by the special act being accomplished, it passed from existence as a matter of course, and no provision being made to the contrary, the general law of the Territory again came into operation. And it is under authority of this general law that the present Legislative Assembly is convened.

The organic law provides that the Legislature may meet annually, and that no session shall extend beyond seventy-five days. The evident intention of Congress was to afford us the privilege of a Territorial Legislature once a year, though limiting us to the duration of each session. The May session was one of those yearly sessions provided for in the organic law, and might have been holden in December last, but was postponed from motives of Territorial policy—motives in which Congress could feel no concern, inasmuch as they did not affect the General Government, nor give rise to any extraordinary drafts on the national treasury by means of extraordinary sessions of the Territorial Legislature. Congress made the usual appropriation for the annual session; supposing probably that it would commence in December, and perhaps utterly indifferent when it should commence.

But suppose Congress to have been aware of the postponement at the time of making the appropriation, is it probable that that body would embrace so trifling an advantage to withhold from the Territory the yearly sum to defray the legislative expense which the General Government stands pledged to appropriate? The promptness with which the drafts of the Secretary have been met by the Department at Washington, shows in what light the General Government views this question,—and the fact that the regular annual appropriation to defray the expenses of the present session was made by the last session of Congress at a time when that body was fully aware of all the facts connected with the postponement of the session held in May, shows clearly and forcibly this interpretation of that part of the organic law which refers to the annual sessions of the Legislature of this Territory.

The fact that the session held in May might have been holden in December, under the organic law—and the fact the organic law authorized a postponement of the session—both unite to prove the position that the postponement did not change the character of the session from an annual one to that of any other, nor impair in any respect the right of the Territory to the privileges of the present session—that it was in effect, the session of December 1844, deferred until May 1845.

That it was thrown, by special enactment, within the present calendar year, is no reason why it can interfere with, or in the slightest degree affect the rights and privileges of the present session—right clearly granted by the organic law, which allows an annual session, and still further supported by the general law of the Territory which provides that the regular annual session shall be holden at the time. The calendar year does not properly form an ingredient of the question. No such mode of calculation is recognized or practised in the political and financial affairs of the government. They are controlled and regulated by what is called the fiscal year. The fiscal, as well as the po-



litical year of this Territory commences and ends annually on the fourth day of July. The term "annually," as we find it used in the organic law in reference to appropriations and sessions of the Legislature, must be understood, therefore, as applying specially to the fiscal year of the Territory. This being the fact, and the May session having adjourned on the 11th of June, it will at once be perceived that, although holden within the present calendar year, it fell strictly within the last fiscal year, and can therefore have no connexion with the present fiscal year nor the slightest bearing upon the present session.

The committee will here take occasion further to remark that, at the close of the present session, there will have been holden in this Territory from first to last, precisely as many sessions of the Legislature as have thus far been authorised by law, and no more; and that if the present session should continue until it shall have filled up the full term of seventy-five days, we shall then have fallen short of the time authorized by the organic law for the continuance of the past and present session, thirty-seven days.

Incidentally connected with the question above discussed, is that of the rights of the members of the House of Representatives to hold their seats at and during the continuance of the present session. The organic law provides that the members of the House of Representatives shall be elected for one year. The special act of the session of 1843, & '44, which postponed the meeting of the Legislature from December until May, also postponed the regular annual election from August until April. The law made no provision with regard to the contingency which has arisen—indeed, the Legislature had no authority to limit the tenure of an office which had already been regulated by the organic law. The fact presents an anomaly both in the powers granted by the organic law and the legislation which occurred under that authority. But it is nevertheless true, that while the Legislature had full power to change the time of the meeting of the succeeding session, it had no authority whatever to limit the tenure of office of the members to that particular session. The committee are therefore clearly of opinion that the present members of the House of Representatives are legally entitled to their seats—that their commissions, or rather the commissions of such as have held over from the last session, date from April last, and will expire, together with the commissions of those elected to fill vacancies, on the 7th day of April next.

In conclusion, the committee would remark that they have reported the facts as they find them together with the law applicable to the case as they understand it. At the same time they have no recommendation to make to the House, as the subject itself presents no tangible object for legislative action. Besides, it is not within the power of the Legislature to act in the premises, as the case is governed in all its respects by the organic law, with which we have no legal authority to interfere. The conclusion, then, of the committee, after investigating the whole case, is this: that the session which commenced in May last and was adjourned *sine die* in June following was a regular annual session postponed from December until May, in accordance with au-



thority derived from the organic law, begun and holden within the last fiscal year, and entirely disconnected, both from the present session and the present fiscal year: that the present is a regular annual session arising legitimately under the organic law, and the positive provision of a general law of this territory: that the present members are legally entitled to their seats, with full power to remain in session seventy-five days, if they deem it necessary; and that their acts, in a legislative capacity, will be regular and legal. At the same time, however, that the committee report in favor of the right of the members to hold a session of seventy-five days, they do not wish to be understood as recommending any definite time to which the present session should extend,

Which was concurred in.

Mr. Munger gave notice that he would submit a Minority report.

On motion of Mr. Brown,

*Ordered*, That 240 copies of the report be printed.

Mr. Wilosn, from the committee to whom was referred so much of the Governor's message as relates to the sale of the reserved mineral lands, reported,

No. 13, H. R. File, Memorial in regard to the sale of reserved mineral lands;

Which was read a first time.

On motion of Mr. Munger,

The 42d rule was suspended, and the memorial read a second time.

On motion of Mr. Brown,

The 42d rule was suspended, the memorial read a third time, passed and its title agreed to.

*Ordered*, That the Council be informed thereof.

Mr. Taylor, from the committee on Corporations to whom it was referred, reported,

No. 8. H. R. File, A Bill to incorporate the Wapello Lyceum, and Library Association;

Without amendment, and recommended its passage.

On motion of Mr. Robertson,

*Ordered*, That the bill be engrossed, and read a third time to-morrow.

Mr. Morgan, having given previous notice, and upon leave being granted, introduced,

No. 14, H. R. File, A Bill to provide for the election of delegates to form a Constitution for the government of the State of Iowa;



Which was read a first time.

On motion of Mr. Morgan,

*Ordered*, That the bill be laid on the table, and the usual number of copies be printed.

No. 11, C. File, A Bill to repeal an act entitled, "an act to postpone the election of members of the House of Representatives of the Territory of Iowa, from August until April;

Was read a first time.

No. 12, C. File, A Bill to amend an act entitled, "An act providing for the appointment of District Prosecutors, and defining their duties."

Was read a first time.

On motion of Mr. Morgan,

The 42d rule was suspended, and the bill read a second time.

On motion of Mr. Munger,

*Ordered*, That the bill be referred to a committee of the Whole House and made the order of the day for to-morrow.

No. 12, H. R. File, Memorial to Congress, asking an appropriation to continue the military road leading from Burlington to Agency City;

Was read a second time.

On motion of Mr. Sheledy,

The 42d rule was suspended, the memorial read a third time, passed and its title agreed to.

*Ordered*, That the Council be informed thereof.

On motion of Mr. Taylor,

The House adjourned.

TWO O'CLOCK, P. M.

The following message was received from the Council by Mr. Kinney, their Secretary:

MR. SPEAKER:

I am directed to inform the House of Representatives, that the Council have passed,

No. 13, C File, A Bill to amend an act entitled, "An act to prevent and punish the obstruction of roads and highways;"

No. 14, C. File, A Bill to amend an act entitled, "An act for the organization of the county of Iowa;"

No. 15, C. File, A Bill supplementary to an act entitled, "An act regulating the mode of taking depositions; and to provide for the perpetuation of testimony;"



No. 16, C. File, A Bill to amend an act entitled, "An act to amend an act to provide for assessing and collecting public revenue;"

Also,

No. 18, C. File, Joint resolution for an appropriation to improve the Agency roads.

In which the concurrence of the House of Representatives is requested.

The Council have passed—

No. 4, H. R. File, Joint resolution, instructing our delegate in Congress to use his influence to get an appropriation to re-build the bridge on Flint river in Des Moines county.

And then he withdrew.

Mr. Taylor, from the committee on Engrossed Bills, reported, that said committee had correctly examined,

No. 5, H. R. File, A Bill to authorize James McGregor, junior, to keep a ferry across the Mississippi river, in the county of Clayton; And found the same correctly engrossed.

Mr. Robertson gave notice that he would, on to-morrow or some future day, ask leave to introduce,

A Bill requiring the several county assessors in this Territory to take a census of the people at the same time they make their assessment for the year 1846.

Mr. Taylor gave notice that he would on to-morrow, or some future day, ask leave to introduce,

A Bill to amend an act entitled, "An act to change the time of holding the general election."

Mr. Munger presented the petition of David Anderson and 28 others, praying for the repeal of the laws making a distinction on account of color in our inhabitants.

On motion of Mr. Munger,

The petition was referred to the committee on the Judiciary, with instructions that they report by bill or otherwise, as to the constitutionality of the law that requires blacks to give security for their good behavior.

On motion of Mr. Brown,

The message from the Council was taken up.

No. 13, C. File, A Bill to amend an act entitled, "An act to prevent and punish the obstruction of roads and highways;

Was read a first time.

On motion of Mr. Brown,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Ferguson,



Was referred to the committee on Roads and Highways.

No. 14, C. File, A Bill to amend an act entitled, "An act for the organization of the county of Iowa;

Was read a first time.

On motion of Mr. Clifton,

The 42d rule was suspended, and the bill read a second time.

On motion of Mr. Morgan,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 15, C. File, A Bill supplementary to an act entitled, "An act regulating the mode of taking depositions, and to provide for the perpetuation of testimony;"

Was read a first time.

On motion of Mr. Taylor,

The 42d rule was suspended, and the bill read a second time; and,

On motion of Mr. Patterson,

Referred to the committee on the Judiciary.

No. 16, C. File, A Bill to amend an act entitled, "An act to amend an act to provide for assessing and collecting public revenue;

Was read a first time.

On motion of Mr. Clifton,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Robertson,

Referred to a select committee.

Consisting of Messrs. Robertson, McMichael, Brown, Murdock and Taylor.

No. 18, C. File, A joint resolution for an appropriation to improve the Agency road;

Was read a first time.

On motion of Mr. Murdock,

The 42d rule was suspended, and the resolution read a second time.

On motion of Mr. Wilson,

The 42d rule was suspended, the resolution read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

Mr. Murdock made a motion that 240 copies of Mr. Wilson's report in regard to the sale of the reserved mineral lands, be printed for the use of the members of this House;

Which was decided in the negative.



Mr. Sheledy made a motion to take from the table the resolution in regard to receiving proposals for printing the laws and journals of this House;

Which was decided in the negative:

Yeas 9, Nays 14.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are  
Messrs. Brown, Clifton, Coy, Downey, Munger, McMihael, Robertson, Sheledy and Woodworth.

Those who voted in the negative, are  
Messrs. Flint, Ferguson, Hancock, Holland, Lester, Morgan, Murdock, Patterson, Ripley, Snyder, Taylor, Wilson, Wright and McCleary, Speaker.

On motion of Mr. Wilson,

The House adjourned.

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### SATURDAY MORNING, 10 O'CLOCK.

DECEMBER 13, A. D. 1845.

On motion of Mr. Brown,

*Resolved*, That the committee on Public Buildings be instructed to report a bill providing for the leasing of the penitentiary; and that they report at as early a period as practicable.

On motion of Mr. McMichael,

*Resolved*, That the committee on Agriculture, be instructed to inquire into the expediency of establishing, by statutory provision, the number of cubic feet, that form a perch of mason work in this Territory; and that they report by bill or otherwise.

On motion of Mr. Lester,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law regulating writs of attachments, as to authorize creditors to sue out writs of attachment in certain cases before the debts become due, and report by bill or otherwise.

On motion of Mr. Patterson,

*Resolved*, That the select committee appointed to memorialize Congress on the subject of mail routes, be instructed to memorialize the



Postmaster General to put in operation the mail route established from Fort Madison to Fairfield, by the way of West Point and Salem.

Mr. McCleary gave notice, (Mr. Sheledy being in the chair) that he would, at the proper time, ask leave to introduce,

A Bill to authorize Edmund C. Whipple, & Co. to establish and keep a ferry across the Iowa and Cedar rivers, at the junction of said rivers.

On motion of Mr. McCleary,

*Resolved*, That the committee on Agriculture be instructed to enquire into the expediency of amending the laws in relation to mills and millers; and that they report by bill or otherwise.

On motion of Mr. Wilson,

*Resolved*, That the committee on the Judiciary be instructed to enquire if the present law upon masters and apprentices cannot be so amended as to remedy the evils, if possible, of desertion of apprentices after serving a few months, where there are no indentures between the parties.

Mr. Morgan, from the committee on Enrollments, reported that said committee had examined,

Joint Resolution, instructing our Delegate in Congress to use his influence to get an appropriation to re-build the bridge over Flint river in Des Moines county, and found the same correctly enrolled.

Said bill was then signed by the Speaker of the H. R.

Mr. Morgan, from the committee on the Judiciary, to whom they were referred, reported the following bills back to the House:

No. 9, H. R. File, A Bill to amend an act regulating interest on money; with one amendment;

No. 3, H. R. File, A Bill to levy an additional tax for Territorial purposes; and recommended that it be referred to the appropriate committee.

No. 8, C. F. A Bill to amend an act entitled, "An act regulating criminal proceedings;" approved January 4th, 1839.

With one amendment; And,

No. 5, C. File, A Bill to amend an act entitled, "An act to allow and regulate the action of right;" approved Dec. 29th, 1838,

Without amendment.

Mr. Taylor from the committee on Engrossed Bills, reported, that said committee had carefully examined,

No. 8, H. R. File, A Bill to incorporate the Wapello Lyceum, and Library Association,

And found the same correctly engrossed.

Mr. Taylor, having given previous notice, and upon leave being granted, introduced

No. 15, H. R. File, A Bill to amend an act entitled, "An act to



change the time of holding the general election;" approved 29th January, 1844.

Which was read a first time.

Mr. Sheledy having given previous notice, and upon leave being granted, introduced

No. 16, H. R. File, A Bill to lay out and establish a Territorial road from Oskaloosa in Mahaska county, to Knoxville in Marion county;

Which was read a first time.

Mr. Ferguson, having given previous notice, and upon leave being granted, introduced

No. 17, H. R. File, Joint Resolution for the adjournment of the Legislature;

Which was read a first time.

On motion of Mr. Wilson,

The 42d rule was suspended, and the resolution read a second time.

Mr. Murdock made a motion to lay the resolution on the table;

Which was decided in the negative:

Yeas 8, nays 15.

The yeas and nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brown, Clifton, Downey, Huner, Murdock, Patterson, Ripley and Wright.

Those who voted in the negative, are

Messrs. Coy, Flint, Ferguson, Graham, Hancock, Holland, Lester, Munger, McMichael, Sheledy, Snyder, Taylor, Wilson, Woodworth and McCleary, Speaker.

So the motion was lost.

On motion of Mr. Snyder,

The resolution was referred to the committee on Ways and Means, with instruction to report at what time the Legislature may adjourn without detriment to the public interest.

No. 11, C. File, A Bill to repeal an act entitled, "An act to postpone the election of members of the House of Representatives of the Territory of Iowa, from August until April;"

Was read a second time; And,

On motion of Mr. Taylor,

Referred to the committee on the Judiciary.

No. 8, H. R. File, A Bill to incorporate the Wapello Lyceum, and Library Association;

Was read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.



No. 5, H. R. File, A Bill to authorize James McGregor, jr., to keep a ferry across the Mississippi river in the county of Clayton;  
Was read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 12, C. File, A Bill to amend an act entitled, "An act providing for the appointment of district prosecutors, and defining their duties;"

Being the order of the day for this day, was considered in committee of the whole House, (Mr. Brown in the chair,) and after some time spent therein, the committee rose, the Speaker resumed his seat, and the chairman reported that the committee had had said bill under consideration, made some progress therein, and asked leave to sit again;

Which was granted.

On motion of Mr. Brown,

Resolved, That the investigating committee on the Penitentiary appointed at the last session of the Legislature be instructed to report with the least possible delay.

On motion of Mr. Taylor,

The House adjourned until Monday morning at 10 o'clock.

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### MONDAY MORNING, 10 O'CLOCK.

DECEMBER 15, A. D. 1845.

Mr. Ferguson presented the petition of William H. Evans and 44 other citizens of the county of Davis, praying a divorce for the said William H. Evans, from the bonds of matrimony with his wife, Rachael Evans, together with sundry affidavits;

Which,

On motion of Mr. Ferguson,

Were referred to a select committee.

Messrs. Ferguson, Morgan, Clifton, Patterson and Flint were appointed said committee.

Mr. Morgan presented the petition of Andrew Scott of the county of Des Moines, praying a divorce from his wife, Nancy Scott;

Which,

On motion of Mr. Morgan,

Was referred to the above select committee.



Mr. Downey gave notice that he would, on to-morrow or some day thereafter, ask leave to introduce,

A Bill providing for the location of a part of the Territorial road from Iowa City to the county seat of Mahaska county.

Mr. Snyder gave notice that he would, on to-morrow or some day thereafter, ask leave to introduce

A Bill to regulate Dower and the assignment thereof.

Mr. Wright from the committee on Roads and Highways, to which was referred,

No. 13, C. File, A Bill to amend an act entitled, "an act to prevent and punish the obstruction of roads and and highways;" reported the same back with the following amendment:

In the 3d line of section No. 1, after the word "shall" insert the word "wilfully."

The question being on concurring in the report of the committee,

Mr. McMichael made a motion to amend the amendment of the committee, by inserting after the word "wilfully" the words "or carelessly;"

Which was decided in the negative.

Mr. Taylor made a motion to amend the amendment of the committee by inserting after the word "willfully" the words "and knowingly;"

Which was decided in the negative.

The report of the committee was then concurred in.

On motion of Mr. Robertson,

The 42d rule was suspended, and the bill read a third time, passed and its title agreed to.

*Ordered*, That the Council be informed thereof.

Mr. Brown having given previous notice, and upon leave being granted, introduced,

No. 18, H. R. File, A Bill to provide for the apprehension of criminals, and for the suppression of crime and misdemeanors;

Which was read a first time.

On motion of Mr. Brown,

The 42d rule was suspended, the bill read a second time; and,  
Referred to the committee on the Judiciary.

No. 15, H. R. File, A Bill to amend an act entitled, "an act to change the time of holding the general election;" approved 29th January, 1844;

Was read a second time; and,

On motion of Mr. Taylor,

Referred to the committee on the Judiciary.



No. 16, H. R. File, A Bill to lay out and establish a Territorial road from Oskaloosa to Knoxville;

Was read a second time; and,

On motion of Mr. Clifton,

Ordered, to be engrossed, and read a third time to-morrow.

On motion of Mr. Morgan,

No. 9, H. R. File, A Bill to amend an act regulating interest on money;

Was re-committed to the committee on the Judiciary.

On motion of Mr. Wilson,

No. 3, H. R. File, A Bill to levy an additional tax for Territorial purposes;

Was referred to the committee on Ways and Means.

No. 8, C. File, A Bill to amend an act, entitled, "An act regulating criminal proceedings;" approved January 4th, 1839,

Having been reported back to the House with one amendment, was taken up, the amendment concurred in; and,

On motion of Mr. Patterson,

Ordered, To be read a third time to-morrow.

No. 5, C. File, A Bill to amend an act entitled, "An act to allow and regulate the action of right;" approved Dec. 29th, 1838,

Was ordered to a third reading to-morrow.

No. 12, C. File, A Bill to amend an act entitled, "An act providing for the appointment of District Prosecutors, and defining their duties."

Having been reported back to the House by a committee of the whole House, with leave to sit again, was taken up; and,

On motion of Mr. Brown,

The House resolved itself into committee of the whole House for the further consideration of said bill, (Mr. Brown in the chair,) and after some time spent therein, the committee rose, Mr. Speaker resumed the chair, and Mr. Brown reported the bill back to the House with sundry amendments.

On motion of Mr. Coy,

The bill was referred to a select committee, consisting of one member from each electoral district.

Messrs. Coy, Wilson, Taylor, Graham, Robertson, Downey, Shelden, Munger, Flint, Hancock, Holland and Brown were appointed said committee.

The following message was received from the Council by Mr. Kinney, their Secretary:



MR. SPEAKER:

I am directed to inform the House of Representatives, that the Council have passed,

No. 1, H. R. File, A Bill to legalize Territorial and county roads;

The Council have also passed—

No. 24, C. File, A Bill to incorporate the Danville academy.

In which the concurrence of the House of Representatives is requested.

The Council have appointed Messrs. Summers and Brattain a committee on Enrollments, on the part of the Council, to act in conjunction with a similar committee on the part of the House of Representatives.

I herewith return

Joint Resolution, instructing our Delegate in Congress to use his influence to get an appropriation to re-build the bridge over Flint river in Des Moines county; the same having been signed by the President of the Council.

And then he withdrew.

On motion of Mr. Wilson,

Messrs. Morgan and Munger were appointed a committee on enrollments on the part of the House, to act in conjunction with a similar committee on the part of the Council.

On motion of Mr. Brown,

The House adjourned.

TWO O'CLOCK, P. M.

On motion of Mr. Brown,

The message from the Council was taken up.

No. 24, C. File, A Bill to incorporate the Danville Academy;

Was read a first time.

On motion of Mr. Brown,

The 42d rule was suspended, and the bill read a second time,

On motion of Mr. Ferguson,

The bill was referred to the committee on Corporations, with instruction to insert a repealing clause to said bill.

Mr. Morgan, from the committee on Enrollments, reported that said committee had carefully examined,

An act to legalize Territorial and county roads; and found the same correctly enrolled.

Said bill was then signed by the Speaker of the House of Representatives,



Mr. McCleary having given previous notice, and upon leave being granted, (Mr. Morgan being in the chair) introduced,

No. 19, H. R. File, A Bill to authorize Edmund C Whipple, & Co. to establish and keep a ferry across the Iowa and Cedar rivers, at the junction of said rivers.

Which was read a first time.

On motion of Mr. McCleary,

The 42d rule was suspended, the bill read a second time; and,  
Referred to the committee on Incorporations,

Mr. Coy, from the committee to whom

No. 12, C. File, A Bill to amend an act entitled, "An act providing for the appointment of district prosecutors and defining their duties;"  
Was referred with instruction to report this afternoon, asked further time to report;

Which was granted.

Mr. McMichael, from the committee to whom the subject was referred, submitted the following report:

The select committee to which was referred,  
No. 10, H. R. File, A Bill to amend an act entitled, "An act to amend an act, entitled, 'An act to provide for assessing and collecting public revenue;'" approved 28th May, 1845;  
And also C. File, No. 16, upon the same subject, have had the same under their careful consideration, and instructed me to report No. 10, H. R. File, back to the House with one amendment, in which the concurrence of the House is asked. The committee have further instructed me to report back to the House, C. File, No. 16, and recommended the indefinite postponement of the same;

A. MCMICHAEL.

Which,

On motion of Mr. Brown,

Was laid on the table, subject to the order of the House.

On motion,

The House adjourned.



TUESDAY MORNING, 10 O'CLOCK,

DECEMBER 16, A. D. 1845.

On motion of Mr. Huner,

The following preamble and resolutions were adopted:

Whereas, James Anderson, a member of the House of Representatives from the county of Lee, departed this life at his residence during the recess of the Legislature. Therefore,

*Resolved by the House of Representatives of the Territory of Iowa,* That, in the death of James Anderson, this House has been deprived of one of its most efficient and talented members, and that we individually have lost a worthy and beloved friend.

*Resolved,* That, as a testimony of love and respect for the memory of our deceased friend, the members of this House will wear the usual badge of mourning for thirty days.

*Resolved,* That the Chief Clerk of this House be instructed to transmit a copy of the above resolutions to the bereaved family of the deceased.

Mr. Wright offered the following resolution:

*Resolved,* (the Council concurring herein,) That the two Houses will adjourn on Saturday, the 20th inst., until Thursday the first day of January, 1846.

Mr. Banks made a motion to lay the resolution on the table;

Which was decided in the negative.

A motion was made by Mr. Wilson, to amend the resolution, by striking out the words "first day of January, 1846," and inserting the words, "Monday the 29th inst.;"

Which was decided in the negative.

The question was then put—

"Shall the resolution be adopted?" and decided in the affirmative.

Yeas 13, Nays 10.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Brown, Coy, Hancock, Huner, Lester, Morgan, McMichael, Patterson, Ripley, Wilson, Wright and McCleary, Speaker.

Those who voted in the negative, are

Messrs. Banks, Downey, Flint, Ferguson, Munger, Murdock, Shelden, Snyder, Taylor, and Woodworth.



So the resolution was adopted.

Mr. Brown gave notice that on some future day he would, ask leave to introduce,

A memorial to Congress asking an appropriation to build a wharf at the town of Keokuk, in the county of Lee, Iowa Territory.

On motion of Mr. Sheledy,

*Resolved*, That the Messrs. Palmers, employed to do the incidental printing for this House, be required to state at the end of each Bill, or other Document printed by them, the number of ems contained in said Bill or other Document, together with the amount for press-work and paper for the same, and the sum total thereof.

On motion of Mr. Morgan,

*Resolved*, That the Chief Clerk of this House be instructed to call forthwith upon the Postmaster of this city, and ascertain the amount of postage charged up to the present time, against the House of Representatives.

*Resolved*, That hereafter it shall be the duty of the Chief Clerk of this House, to keep a regular account of all newspapers, letters and documents sent by members of this House to be mailed in the Postoffice in this city.

*Resolved*, That it shall be the duty of the Chief Clerk to call upon the postmaster of this city, and inform him, that the House of Representatives does not authorize, and will not be responsible for the postage due on any letters, newspapers, or documents not delivered to the members or Chief Clerk of this House, or franked by the said members or Chief Clerk.

*Resolved*, That hereafter every letter, newspaper, or document to be forwarded by authority, and under the frank of any member of this House, must be left with the Chief Clerk of this House by seven o'clock on the evening preceding the day of the departure of the mail, in which said letters, newspapers, or documents are to be forwarded.

*Resolved*, further, That it shall be the duty of the Chief Clerk of this House to compare accounts weekly, during the present session with the postmaster of this city, and make a minute thereof, and return the same to the committee on Claims three days previous to the adjournment of this session.

Mr. Tayler from the committee on Engrossed Bills, reported, that said committee had carefully examined,

No. 16, H. R. File, A Bill to lay out and establish a Territorial road from Oskaloosa to Knoxville;

And found the same correctly engrossed.

Mr. Ferguson, from the select committee to which was referred the petition of William H. Evans, praying for a divorce from Rachael, his wife, reported,



No. 20, H. R. F., A Bill to divorce William H. Evans, from Rachael, his wife;

Which was read a first time.

Mr. Murdock made a motion to postpone the bill indefinitely;

Which was decided in the affirmative,

Yeas 14, nays 9.

The yeas and nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Banks, Coy, Downey, Holland, Huner, Morgan, Munger, Murdock, McMichael, Ripley Sheledy, Snyder, Wilson Woodworth.

Those who voted in the negative, are

Messrs. Brown, Flint, Ferguson, Hancock, Lester, Patterson, Taylor, Wright and McCleary, Speaker.

So the bill was indefinitely postponed.

Mr. Taylor, from the committee on Incorporations, to which was referred,

No. 24, C. F. A Bill to incorporate the Danville academy;

Reported the same back with the following amendments, to wit:

Add a seventh section in the words following:

"Any future Legislature may alter, amend, or repeal this act,"

The question being on concurring in the amendment, was decided in the negative,

Yeas 8; Nays 15.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are—

Messrs. Banks, Flint, Ferguson, Hancock, Lester, Morgan, Taylor and Wilson.

Those who voted in the negative, are—

Messrs. Brown, Coy, Downey, Holland, Huner, Munger, Murdock, McMichael, Patterson, Ripley, Sheledy, Snyder, Woodworth, Wright and McCleary, Speaker.

So the report of the committee was not concurred in.

On motion of Mr. Patterson,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Flint having given previous notice, and upon leave being granted, introduced,

No. 21, H. R. File, A Bill to prevent the obstruction of the navigation of the Des Moines River;

Which was read a first time.



On motion of Mr. Brown,

The 42d rule was suspended, and the bill read a second time.

On motion of Mr. Flint,

*Ordered*, That the bill be referred to the committee on Internal Improvements.

No. 16, H. R. File, A Bill to lay out and establish a Territorial road from Oskaloosa to Knoxville;

Was read a third time, passed, and its title agreed to.

No. 8, C. File, A Bill to amend an act entitled, "An act regulating criminal proceedings;" approved January 4th, 1839.

Was read a third time, passed, and the title agreed to.

No. 5, C. File, A Bill to amend an act entitled, "an act to allow and regulate the action of right;" approved December 29th, 1838.

Was read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed of the passage of said bills

On motion of Mr. Brown,

The report of Mr. McMichael, on

No. 10, H. R. File, A Bill to amend an act entitled, "An act to amend an an act entitled an act to provide for assessing and collecting public revenue;" approved 28th May, 1845. and,

No. 16, C. File, A Bill to amend an act entitled, "An act to amend an act to provide for assessing and collecting public revenue;"

With an amendment to the first, with a recommendation of its passage; and a recommendation of the indefinite postponement of the last,

Was taken up, and the report concurred in:

So the latter was indefinitely postponed;

On motion of Mr. Snyder,

*Ordered*, That the former be engrossed and read a third time to-morrow.

On motion of Mr. Munger,

*Ordered*, that the House adjourn until one o'clock, P. M.

ONE O'CLOCK, P. M.

Mr. Wright, from the committee on Roads and Highways, to whom was referred the petition of William Chadwell and 24 others, praying for a Territorial road leading from the military road, near the south fork Maquocata bridge, to intersect the road leading from Jenkins in Linn county, to Olmstead's mills in Delaware county; reported,

No. 22, H. R. File, A Bill to establish a Territorial road in the counties of Jones and Delaware;

Which was read a first time.

Mr Coy from the select committee to whom was referred,



No. 12, C. File, A Bill to amend an act entitled, "An act providing for the appointment of district prosecutors, and defining their duties;"  
Reported the same back with one amendment;  
Which was agreed to.

On motion of Mr. Wilson,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Taylor,

No. 22, H. R. F. A Bill to establish a Territorial road in the counties of Jones and Delaware; was taken from the table,  
The 42d rule suspended, and the bill read a second time;

On motion of Mr. Brown,

Ordered, That the bill be laid on the table.

The following message was then received from the Council, by Mr. Kinney, their secretary:

MR. SPEAKER:

I am instructed by the Council to inform the House of Representatives that the Council have passed

No. 20, C. File, A Bill to establish a Territorial road from Fort Madison in Lee county, to Mount Pleasant in Henry county, and,

No. 21, C. File A Bill to establish a Territorial road from Franklin, in Lee county, to Mount Pleasant in Henry county.

In which the concurrence of the House of Representatives is requested.

The Council have also passed—

No. 12, H. R. File, Memorial to Congress, for an appropriation to continue the military road leading from Burlington to Agency City;

The Council have disagreed to the amendment made by the House of Representatives to

No. 13, C. File, A Bill to amend an act entitled, "An act to prevent and punish the obstruction of roads and highways;

I herewith present for your signature,

A Joint Resolution for an appropriation to improve the agency road;

And,

An act to amend an act entitled, "An act for the organization of the county of Iowa;"

I herewith return,

An act to legalize Territorial and county roads; the same having been signed by the President of the Council.

And then he withdrew.

On motion of Mr. Ferguson,

The House adjourned.



HOUSE OF REPRESENTATIVES.  
WEDNESDAY MORNING, 10 O'CLOCK,

DECEMBER 17th, A. D. 1845.

Mr. Flint presented the petition of William McKay and thirty-one other citizens, praying an alteration of the revised law;  
Which,

On motion of Mr. Flint,

Was referred to the committee on Ways and Means.

Mr. Patterson presented the petition of A. P. Breckenrige, and 54 other citizens of Lee county, praying an alteration of the Territorial road from Burlington to Keokuk;

Which,

On motion of Mr. Patterson,

Was referred to the committee on Roads and Highways.

Mr. Patterson presented the petition of Mitchel D. Wright, and 22 other citizens of Lee county, praying an alteration in the Territorial road between Keokuk and Farmington;

Which,

On motion of Mr. Patterson,

Was referred to the committee on Roads and Highways.

Mr. Coy presented the petition of Moses Barton and thirty-one other citizens of Clinton county praying a repeal of the charter authorizing Elijah Buel to keep a ferry across the Mississippi river at the town of Lyons; and that Sage W. Coy be authorized to keep a ferry across said river at the town of Lyons.

On motion of Mr. Patterson,

*Resolved*, That the standing committee on Common Schools be instructed to enquire whether the land that was given to the Territory of Iowa, under an act of Congress July 20th, 1840, granting two townships of land for the use of a University, has been located; and if said lands have not been located, to recommend some way whereby said lands may be located as soon as practicable.

Mr. Hancock offered the following:

*Resolved*, That James and Jesse M. Shepherd, Editors of the Iowa Democrat, be, and they are hereby authorized to print the usual number of copies of the Journal of the House of Representatives of the present session; and that they be allowed the price established by law for such printing.



On motion of Mr. Munger,

A call of the House was ordered,  
Messrs, Ferguson, Graham, Huner, Morgan, McMichael, Robertson and Taylor were absent.

On motion of Mr. Brown,

Messrs. Graham and Robertson were excused from the call.

On motion of Mr. Hancock,

The further call of the House was dispensed with.

The question was then put on the adoption of the resolution, and decided in the affirmative.

Mr. Taylor from the committee on Engrossed Bills, reported, that said committee had carefully examined,

No. 10, H. R. File, A Bill to amend an act entitled, "An act to amend an act entitled an act to provide for assessing and collecting public revenue;" approved 28th May, 1845. and,

And found the same correctly engrossed.

Mr. Taylor from the committee on Corporations, to whom was referred,

No. 19, H. R. File, A Bill to authorize Edmund C Whipple, & Co. to establish and keep a ferry across the Iowa and Cedar rivers, at the junction of said rivers;

Reported the same back with the following amendment, to wit:

"Strike out the word 'twenty years' where it occurs in the first section, and insert 'ten years.'"

The question being on concurring in the amendment, was decided in the negative.

A motion was made by Mr. Wilson, to amend the first section of the bill, by striking out the word "twenty," and inserting the word "fifteen;"

Which was decided in the negative.

On motion of Mr. McCleary,

(Mr. Shelledy being in the chair,)

The 42d rule was suspended, and, the bill read a third time;

The question was then put—

"Shall the bill pass?" and decided in the affirmative.

Yeas 11, Nays 9.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are  
Messrs. Banks, Brown, Clifton, Coy, Downey, Lester, Munger, Ripley, Shelledy, Wright and McCleary, Speaker.



Those who voted in the negative, are  
Messrs. Flint, Ferguson, Hancock, Holland, Patterson, Snyder,  
Taylor, Wilson, and Woodworth.

So the bill was passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

Mr. Downey having given previous notice, and upon leave being  
granted, introduced,

No. 23, H. R. File, A Bill to re-locate a part of the Territorial  
road from Iowa City to the seat of justice of Mahaska county;

Which was read a first time.

On motion of Mr. Clifton,

The 42d rule was suspended, the bill read a second time, and  
Referred to the committee on Roads and Highways.

Mr. Snyder having given previous notice, and upon leave being  
granted, introduced,

No. 24, H. R. File, A Bill to regulate the right of Dower and the  
assignment thereof;

Was read a first time.

On motion of Mr. Munger,

The 42d rule was suspended, the bill read a second time, and,  
Referred to the committee on the Judiciary.

The following message was received from the Council by Mr. Kin-  
ney, their Secretary:

MR. SPEAKER:

I herewith present for your signature—

An act to amend an act for the appointment of District prosecutors  
and defining their duties;

An Act to incorporate the Danville academy.

And then he withdrew.

The foregoing acts were then signed by the Speaker of the House  
of Representatives.

No. 21, C. File A Bill to establish a Territorial road from Franklin,  
in Lee county, to Mount Pleasant in Henry county.

Was read a first time.

On motion of Mr. Brown,

The 42d rule was suspended, the bill read a second time, and,

Referred to a Select committee,

Consisting of the members from the counties of Lee and Henry.

No. 20, C. File, A Bill to establish a Territorial road from Fort  
Madison in Lee county, to Mount Pleasant in Henry county,

Was read a first time.

On motion of Mr. Brown,



The 42d rule was suspended, the bill read a second time, and,

Referred to a select committee,

Consisting of the members from the counties of Lee and Henry.

The following communication was received from the Postmaster of this city, S. C. Trowbridge.

POST OFFICE, IOWA CITY,

December 16th, 1845.

To the Honorable,

The House of Representatives:

SIRS: Your Resolutions on the subject of postage, bearing no date, was this day presented to me by the Chief Clerk of the House.

I would say in reply, that if you wish any other arrangements than those heretofore adopted to guard your Honorable body against imposition, you will please furnish me with a list of all the names legally entitled to the pay privilege, and no others shall pass through our hands. If this does not accord with your views you can have the same privilege of other citizens.

It would be impossible, under the late post office laws to keep accounts with your Chief Clerk. He would be governed by the number of documents, while we would charge according to their weight and character; and as a matter of course, our books would not correspond. To remedy this, it would become necessary for him to have a post office balance in order to ascertain their weight, and also a copy of the late post office laws to determine the rates of postage.

Your resolutions require every member to deliver his mail matter into the hands of the Chief Clerk; but do not require the clerk to deposit it into the post office. They also require it to be delivered by 7 o'clock, on the evening previous to the day of the departure of the mail. This would compel us to labor all night in order to send away the large amount of mailable matter at the proper hour, and it would occupy nearly all of the time of the clerk apart from his other duties.

I will present the amount due as early as possible, which will be during this quarter. If the House would examine the new post office law, I have no doubt they would not require from me any extra duty farther than is at present performed.

Respectfully yours,

S. C. TROWBRIDGE.

Postmaster, Iowa City.

Which,

On motion of Mr. Brown,

Was laid on the table.

No. 10, H. R. File, A Bill to amend an act entitled, "An act to amend an act, entitled, 'An act to provide for assessing and collecting public revenue;'" approved 28th May, 1845;

Was read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.



On motion of Mr. Munger,

The House adjourned.

TWO O'CLOCK, P. M.

Mr. Banks from the committee on Military Affairs, to whom was referred,

No. 10, C. F. A Bill to repeal all laws, now in force allowing compensation to military officers in this Territory;

Reported that it was deemed by the committee inexpedient to pass said bill.

On motion of Mr. Wilson,

The bill was laid on the table, subject to the order of the House.

On motion of Mr. Brown,

*Ordered*, That a committee of Conference be appointed on the disagreeing vote of the two Houses, on the amendment of the House to No. 13, C. File, A Bill to amend an act entitled, "an act to prevent and punish the obstruction of roads and and highways;"

Messrs. Brown and Hancock were appointed said committee.

On motion of Mr. Patterson,

*Resolved*, (the Council concurring herein.) that both Houses of the Legislative Assembly will adjourn from Saturday the 20th, until Monday the 29th inst.

*Ordered*, That the Council be informed thereof.

The following message was then received from the Council, by Mr. Kinney, their secretary:

MR. SPEAKER:

I am instructed by the Council to inform the House of Representatives that the Council have passed

No. 2, C. File, A Bill concerning the rights of married women;

No. 26, C. File, Joint Resolution relative to obtaining another Land Office; And,

No. 28, C File, A Bill for the relief of Mrs. Frances E. Anderson.

In which the concurrence of the House of Representatives is requested.

The Council have also passed—

No. 13, H. R. File, Memorial in regard to the sale of the reserved mineral land; And,

No. 8, H. R. File, Bill for an act to incorporate the Wapello Lyceum, and library Association.

And then he withdrew.

The message from the Council was taken up.



No. 2, C. File, A Bill concerning the rights of married women;  
Was read a first time.

On motion of Mr. Brown,

The 42d rule was suspended, the bill read a second time, and  
Referred to a committee of the whole House, and made the order of  
the day for to-morrow.

No. 26, C. File, Joint resolution relative to obtaining another Land  
Office;  
Was read a first time.

On motion of Mr. Clifton,

The 42d rule suspended, and the bill read a second time;

On motion of Mr. Shelledy,

The 42d rule was suspended, the bill read a third time, passed and  
its title agreed to.

Ordered, That the Council be informed thereof.

No. 28, C. File, A Bill for the relief of Mrs. Frances E. Anderson;  
Was read a first time.

On motion of Mr. Patterson,

The 42d rule was suspended, the bill read a second time, and  
Referred to a select committee.

Messrs. Patterson, Lester, Clifton, Flint and Shelledy, were appoin-  
ted said committee.

On motion of Mr. Taylor,

The House adjourned.

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#### THURSDAY MORNING, 10 O'CLOCK,

DECEMBER 18, A. D. 1845.

Mr. Downey gave notice that, on to-morrow, he would introduce,  
A Bill to amend an act entitled, "An act defining the duties of su-  
pervisors of roads and highways;" approved January 17th, 1845.

Mr. Shelledy from the committee on New Counties, introduced,  
No. 25, H. R. File, A Bill to lay out and establish new counties and  
their boundaries;

Which was read a first time;

On motion of Mr. Shelledy,

The 42d rule was suspended, the bill read a second time, and



Referred to a committee of the Whole House and made the order of the day for this afternoon,

Mr. Patterson from the committee on Internal improvements, to whom was referred,

No. 21, H. R. File, A Bill to prevent the obstruction of the navigation of the Demoines River;

Reported the same back with a recommendation that the bill be indefinitely postponed;

Which was concurred in by the House.

So the bill was indefinitely postponed.

Mr. Murdock from the committee on Ways and Means, to which was referred,

No. 3, H. R. File, A Bill to levy an additional tax for Territorial purposes;

Reported the same back with a recommendation that the bill pass.

Mr. Wilson made a motion to lay the bill upon the table;

Which was decided in the negative.

On motion of Mr. Murdock,

*Ordered*, That the bill be engrossed and read a third time to-morrow.

Mr. Patterson, from the select committee to whom was referred,

No. 28, C. File; A Bill for the relief of Mrs. Frances E. Anderson;

Reported the same back to the House with one amendment;

Which was agreed to.

On motion of Mr. Patterson,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

*Ordered*, That the Council be informed thereof.

On motion of Mr. Munger,

The rules were suspended in order that Mr. Wilson might ask leave to introduce a bill of which he had not given previous notice.

Mr. Wilson, thereupon, upon leave being granted, introduced,

No. 26, H. R. File, A Bill to change the name of E. D. White of Du Buque county;

Which was read a first time.

On motion of Mr. Taylor,

The 42d rule was suspended, and the bill read a second time.

On motion of Mr. Munger,

The 42d rule was suspended, and the bill read a third time, passed and its title agreed to.



*Ordered*, That the Council be informed thereof.

No. 2. C. File, A Bill concerning the rights of married women;  
Being the order of the day for this day, was considered in committee of the whole House; (Mr. Snyder in the chair;) and, after some time spent therein, the committee rose, the Speaker resumed the chair, and Mr. Snyder reported the bill back to the House with one amendment;  
Which was agreed to.

Mr. Shelledy made a motion to strike out the enacting clause of the bill;

Which was decided in the negative:

Yeas 4; Nays 18.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are—  
Messrs. Clifton, Coy, Shelledy and Woodworth,

Those who voted in the negative, are—  
Messrs. Banks, Brown, Downey, Flint, Ferguson, Hancock, Holland, Lester, Morgan, Munger, Murdock, Patterson, Ripley, Snyder, Taylor, Wilson, Wright and McCleary, Speaker.

On motion of Mr. Taylor,

*Ordered*, That the bill be read a third time to-morrow.

On motion of Mr. Brown,

*Ordered*, That the vote taken on yesterday, ordering a committee of Conference on the disagreeing vote of the two Houses, in relation to the amendment of the House to

No. 13, C. File, A Bill to amend an act entitled, "An act to prevent and punish the obstruction of roads and highways;" be re-considered.

Mr. Brown then withdrew his motion for a committee as aforesaid, and made a motion that the House recede from their said amendment;

Which was decided in the affirmative.

So the House receded from its amendment

On motion of Mr. Murdock,

The House adjourned.

TWO O'CLOCK, P. M.

No. 26, H. R. File, A Bill to lay out and establish new counties, and define their boundaries;

Being the order of the day for this afternoon, was considered in committee of the whole House, (Mr. Patterson in the chair,) and after some time spent therein, the committee rose;



Mr. Speaker resumed the chair, and Mr. Patterson reported the bill back to the House with sundry amendments;  
Which were concurred in.

On motion of Mr. Shelledy,

*Ordered*, That the bill be engrossed and read a third time to-morrow,

Mr. Patterson from the select committee to whom was referred,  
No. 6, C. File, A Bill to amend an act for assessing Territorial tax  
and for other purposes; approved 15th February, 1844;

Reported the same back to the House without amendment, and recommended its passage.

On motion of Mr. Taylor,

The 42d rule was suspended, the bill read a third time, passed,  
and its title agreed to.

*Ordered*, That the Council be informed thereof.

A message was received from the Council by Mr. Kinney their Secretary.

MR. SPEAKER:

I am directed to inform the House of Representatives, that the Council have passed,

No. 19, C. File, A memorial to Congress on the subject of the mail route in Washington county;

No. 31, C. File, Memorial to Congress for an appropriation to improve the navigation of the Des Moines river.

In which the concurrence of the House of Representatives is requested.

The Council have concurred in the amendment made by the House to No. 8. C. File, A Bill to amend an act entitled, "An act regulating criminal proceedings;" approved January 4th, 1839;

The Council have concurred in the resolution of the House of Representatives, to adjournment of the Legislature from the 20th inst., until the 29th inst.

The Council have passed a substitute to all after the enacting clause to

No. 5, H. R. File, A Bill to authorize James McGregor; jr., to keep a ferry across the Mississippi river, in the county of Clayton;

And then he withdrew.

On motion of Mr. Murdock,

The message was taken up.

No. 19, C. File, A memorial to Congress on the subject of a mail route in Washington county;

Was read a first time.



On motion of Mr. Brown,  
The 42d rule was suspended, the bill read a second time; and,  
Referred to the select committee on Mail Routes.

No. 31, C. File, A memorial to Congress for an appropriation to improve the navigation of the Desmoines river;  
Was read a first time.

On motion of Mr. Hancock,  
The 42d rule was suspended, and the bill read a second time.

Mr. Murdock made a motion to refer the memorial to the delegation from Van Buren county, with instruction to correct its grammar.

Pending which, a motion was made by Mr. Hancock, to refer it to the committee on the improvement of the Desmoines river;  
Which was decided in the affirmative.

The following message was received from the Council by Mr. Kinney, their Secretary:

MR. SPEAKER:

I herewith present for your signature,

An act to amend an act entitled, "An act to allow and regulate the action of right;" approved December 29th, 1838.

And then he withdrew.

Said act was signed by the Speaker of the House of Representatives.

On motion of Mr. Patterson,

The House adjourned.

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FRIDAY MORNING, 10 O'CLOCK.

DECEMBER 19, A. D. 1845.

Mr. Wright from the committee on Roads and Highways, to which was referred the petition of Elijah Dollarhide and nine other citizens of Muscatine county, praying an extension of the time for working on the road for 1845, made the following report, to wit:

The committee on Roads and Highways, have had the same under consideration, and instructed me to report, that, in their opinion, the



statute laws now in force, provide for all cases which may occur from causes set forth in said petition.

They are therefore of the opinion, it is not expedient to grant the prayer of said petitioners.

On motion of Mr. Taylor,

The report was concurred in.

No. 5, H. R. File, A Bill to authorize James McGregor, jr., to keep a ferry across the Mississippi river in the county of Clayton;

Having been returned from the Council with an amendment, by substituting new matter for the body of the bill,

Mr. Murdock made a motion to amend the first section of said substitute, by inserting after the word "years" in the eleventh line, the words "with exclusive privilege for one mile and a half above the corner above mentioned, and one mile and a half below said corner on said river;

Which was decided in the affirmative.

On motion of Mr. Murdock,

The amendment of the Council as amended by the House, was agreed to.

No. 2, C. File, A Bill concerning the rights of married women;

Was read a third time.

Mr. Wilson made a motion to lay the bill upon the table;

Which was decided in the negative.

The bill was then passed and its title agreed to.

*Ordered*, That the Council be informed thereof.

Mr. Patterson made a motion,

That the committee on New Counties be added to the committee on County and township boundaries;

Which was decided in the negative.

Mr. Brown made a motion,

To merge the committee on New counties with the committee on county and township boundaries;

Which was decided in the negative:

On motion of Mr. Taylor,

*Ordered*, That this House stand adjourned until 2 o'clock P. M.

TWO O'CLOCK, P. M.

Mr. Shelledy having given previous notice, and upon leave being granted, introduced,

No. 27, H. R. File; A Bill for the organization of the county of Jasper;

Which was read a first time.



On motion of Mr. Clifton,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Shelledy,

Referred to the committee on New Counties.

No. 3, H. R. File, A Bill to levy an additional tax for Territorial purposes;

A call of the House was ordered;

Messrs. Banks, Downey, Graham, Munger, McMichael and Robertson were absent.

On motion of Mr. Patterson,

Messrs. Banks, Graham, McMichael and Robertson were excused from the call.

Mr. Brown made a motion,

To suspend the further call of the House;

Which was decided in the negative.

After some time had elapsed,

Mr. Ferguson made a motion,

To excuse Messrs Downey and Munger from the call;

Which was decided in the negative.

Mr. Clifton made a motion,

To suspend a further call of the House;

Which was decided in the negative.

Messrs. Munger and Downey appeared and took their seats; and the further call of the House was suspended.

The question was then put—

“Shall the bill pass?” and decided in the negative.

Yeas 9, Nays 10.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Downey, Hancock, Lester, Morgau, Patterson, Ripley, Shelledy, Wright and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Brown, Clifton, Coy, Flint, Huner, Munger, Murdock, Snyder, Wilson and Woodworth.

So the bill was rejected.

The following message was then received from the Council, by Mr. Kinney, their secretary:

MR. SPEAKER:

I am instructed by the Council to inform the House of Representatives that the Council have passed



No. 33, C. File, A Bill to divorce Eli Dow from his wife, July P. Dow.

No. 36, C. File, A Bill to amend an act entitled, "An act to district the Territory of Iowa into electoral districts, and to apportion the representation of each;"

No. 37, C. File, A Bill to authorize the assessors of the respective counties in this Territory to take the census, &c.;

No. 38, C. File, Joint resolution authorising the Librarian to procure copies of Journals of Legislatures;

No. 41, C. File, A Bill to divorce Jesse Brighan from his wife, Nancy Brighan;

No. 43, C. File, A Bill to repeal an act to authorize the board of commissioners of the county of Du Buque to levy a tax on all real and personal estate; approved May 26, 1841.

In which the concurrence of the House of Representatives is requested.

I herewith present for your signature—

An act to amend an an act entitled, "An act to prevent and punish the obstruction of roads and highways;"

An act to amend an act entitled, "An act regulating criminal proceedings;" approved January 4th, 1839.

An act for the relief of Mrs. Frances E. Anderson;

And then he withdrew.

The foregoing acts were then signed by the Speaker of the House of Representatives.

No. 25, H. R, File, A Bill to lay out and establish new counties, and define their boundaries;

Was read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

On motion of Mr. Wilson,

*Ordered*, That the message from the Council be taken up.

No. 33, C. File, A Bill to divorce Eli Dow from his wife, Lucy P. Dow;

Was read a first time.

On motion of Mr. Clifton,

The 42d rule was suspended, the bill read a second time, and

On motion of Mr. Brown,

Referred to Messrs. Brown, Munger, Ripley, Lester, Shelledy, Hurner and Patterson.

No. 36, C. File, A Bill to amend an an act entitled, "An act to district the Territory of Iowa into electoral districts, and to apportion the representation of each;"

Was read a first time.



On motion of Mr. Ferguson,

The 42d rule was suspended, and the bill read a second time.

Mr. Munger made a motion to indefinitely postpone the bill;

Pending which,

On motion of Mr. Patterson,

The Bill was laid on the table.

No. 37, C. File, A Bill to authorize the assessors of the respective counties in this Territory to take the census &c.;

Was read a first time.

No. 38, C File, Joint resolution authorizing the Librarian to procure copies of the Journals of Legislatures;

Was read a first time.

On motion of Mr. Taylor;

The 42d rule was suspended, and the bill read a second time,

On motion of Mr. Clifton,

The 42d rule was suspended, and the bill read a third time, passed and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 43, C. File, A Bill to repeal an act to authorize the board of commissioners of the county of Du Buque, to levy a tax on all real and personal estate, approved May 26th, 1845;

Was read a first time.

On motion of Mr. Snyder,

The 42d rule was suspended, the bill read a second time; and,

Referred to the Delegation from Du Buque and Clayton.

No. 41, C. File, A Bill to divorce Jesse Bringham from his wife Nancy Bringham;

Was read a first time.

On motion of Mr. Snyder,

The 42d rule was suspended, the bill read a second time, and

Referred to a select committee,

Consisting of Messrs. Brown, Munger, Ripley, Lester, Shelledy, Huner, Patterson, Snyder and Taylor;

On motion of Mr. Ripley,

*Resolved*, That the committee on the Judiciary, be instructed to enquire into the expediency of justices of the peace and other persons authorized to solemnize the rites of matrimony in this Territory, being authorized to issue marriage license to persons applying for them, and that they have leave to report by bill or otherwise.

The following message was received from the Council by Mr. Kinney, their Secretary:



MR. SPEAKER:

I am instructed by the Council to inform the House of Representatives that the Council have passed,

No. 35, C. File, Joint resolution for the project of A. P. Woods for publishing catalogue of the Library;

No. 22, C. File, A Bill to prevent the firing of prairies;

No. 23, C. File, A Bill to restrict unauthorized banking.

In which the concurrence of the House of Representatives is requested.

The Council have disagreed to the amendment made by the House of Representatives to the substitute made by the Council for,

No. 5, H. R. File, A Bill to authorize James McGregor, jr., to keep a ferry across the Mississippi river;

And then he withdrew.

Mr. Downey having given previous notice, and upon leave being granted, introduced,

No. 28, H. R. File, A Bill to amend an act entitled, "An act defining the duties of supervisors of roads and highways;" approved January 17th, 1840.

Which was read a first time.

On motion of Mr. Downey,

The 42d rule was suspended, the bill read a second time; and,

Referred to the committee on Roads and Highways.

Mr. Murdock gave notice that he would on some future day, ask leave to introduce,

A Bill to amend an act entitled, "An act defining a lawful fence, and providing against trespassing animals;"

A motion was made by Mr. Murdock, to take up the message;

Which was decided in the negative.

On motion of Mr. Patterson,

The House adjourned until to-morrow morning at 7 o'clock.

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SATURDAY MORNING, 7 O'CLOCK.

DECEMBER 20, A. D. 1845.

The House met pursuant to adjournment.

On motion of Mr. Morgan,

Ordered, That the House stand adjourned until Monday the 29th inst., pursuant to a resolution of both Houses for that purpose.



MONDAY MORNING, 10 O'CLOCK.

DECEMBER 29, A. D. 1845.

Mr. Coy presented the petition of M. P. Bennett, and sixty other citizens of the town of Lyons and its vicinity, praying for a law securing to David W. Fisher, his heirs and assigns forever the exclusive right and use of a certain piece of land in the said town of Lyons, upon which to erect a warehouse;

Which,

On motion of Mr. Coy,

Was referred to the committee on the Judiciary.

Mr. Murdock presented the petition of John Cook, and ninety-nine other citizens of Du Buque county, praying for a repeal of the law of the last session of the Legislature, authorizing the commissioners of Du Buque county to levy and collect a tax of one per cent.

Which,

On motion of Mr. Woodworth,

Was referred to the delegation from the counties of Du Buque and Clayton.

Mr. Ferguson presented the petition of John Jackson and 28 others praying for the organization of the county of Appanoose.

Which,

On motion of Mr. Ferguson,

Was referred to the committee on New Counties.

Mr. McCleary, (Mr. Morgan being in the chair,) presented the petition of Micajah Reeder and 32 other citizens of this Territory, praying for further protection to religious societies, while assembled for worship;

Which,

On motion of Mr. McCleary,

Was referred to the committee on Ways and Means.

Mr. Murdock gave notice that on to-morrow or some day thereafter he would ask leave to introduce,

A Bill to establish a Territorial road from Du Buque to Floyd's, thence *via* the colony in Delaware county to Bordman's precinct in Clayton county, thence in the direction of Fort Atkinson.

Mr. McCleary gave notice that, on to-morrow or some future day, he would ask leave to introduce,



A Bill to authorize Abel Thompson to keep a ferry across the Mississippi river.

Mr. Ferguson, from the select committee to which was referred, the petition of Andrew Scott, praying for a divorce from his wife, Nancy Scott, made the following report:

The committee have had the same under consideration, and instructed me to report, That, it is inexpedient to grant said divorce, there being no testimony accompanying said petition, sufficient to justify any action of the Legislature in the premises.

Mr. Brown from the select committee to which was referred, No. 33, C. File, A Bill to divorce Eli Dow from his wife, Lucy P. Dow;

Made the following report:

The committee to which was referred the bill and petition of Eli Dow, a citizen of Lee county, for a divorce &c., beg leave to submit the following

#### REPORT:

That they have carefully examined the petition and documents in this case, and find that the petitioner was married to his wife Lucy, in the month of December, A. D., 1841, and that ever since that time up to the 24th day of November last, they lived together without any thing having occurred to disturb their domestic peace and happiness—that the said Lucy is a strong believer in the Mormon faith—and that in consequence of that belief, and for the purpose of obeying the pretended prophecies of that misguided and deluded sect, she left her said husband on the 24th day of November last, with the avowed intention of going with them to California in the ensuing spring, and that she is now at Nauvoo making preparations for that purpose.

It remains to be determined whether this is such a case as calls for Legislative interference in behalf of a husband whose domestic peace and happiness has thus been destroyed in consequence of the fanaticism and extraordinary conduct of his wife.

It may be contended that the petitioner has his remedy at law—that he can apply to a court, and obtain a dissolution of the bonds of matrimony. Upon examining the law, it will be found that such is not the case, as said petitioner could assign no cause under the statute to entitle him to any relief; unless he should wait the term of one year from the 24th day of November last; which, under the circumstances, would operate as a great hardship upon the petitioner. The fact of the wife having deserted her husband with the determination of leaving him forever, and of following a sect whose views and opinions in many respects are at variance and directly at war with the laws and customs of civil society, is, in the opinion of your committee, sufficient in itself, to warrant the Legislature to grant the prayer of the petitioner.

Mr. Brown, from the select committee to which was referred, No. 41, C. File, A Bill to divorce Jesse Brighan from his wife, Nancy Brighan;



Reported the following:

The committee to which was referred,  
No. 41, C. File, A Bill to divorce Jesse Brigham from his wife Nancy Brigham;  
Have, according to order, had the same under consideration, and carefully examined the same, with the petition and accompanying documents, and have instructed me to report the same back to the House, with the recommendation that it pass.

Mr. Murdock from the committee on Mail Routes, to which was referred,

No. 19, C. File, A memorial to Congress on the subject of a mail route in Washington county;

Reported the same back to the House with one amendment;

Which was agreed to.

Mr. Murdock from the select committee to which was referred,

No. 43, C. File, A Bill to repeal an act to authorize the board of commissioners of the county of Du Buque to levy a tax on all real and personal estate; approved May 26, 1845.

Reported the same back to the House, and recommended its passage.

Mr. Brown having given previous notice, and upon leave being granted, introduced,

No. 29, H. R. File, A memorial to Congress, praying an appropriation for the construction of a public wharf at the town of Keokuk;

Which was read a first time.

On motion of Mr. Brown,

The 42d rule was suspended, and the memorial read a second time.

On motion of Mr. Morgan,

The 42d rule was suspended, the memorial read a third time, passed and its title agreed to.

*Ordered*, That the Council be informed thereof.

Messages from the Council were then taken up.

No. 35, C. File, Joint resolution for the payment of A. P. Woods for publishing catalogue of the Library;

Was read a first time.

No. 22, C. File, A Bill to prevent the firing of prairies;

Was read a first time.

No. 25, C. File, A Bill to restrain unauthorized banking.

Was read a first time.

On motion of Mr. Munger,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Murdock,

Referred to a committee of the whole House, and made the order of the day for Wednesday next.



No. 5, H. R. File, A Bill to authorize James McGregor, jr., to keep a ferry across the Mississippi river in the county of Clayton;

With a disagreement to the amendment made by the House, to the substitute made by the Council, was taken up; and,

On motion of Mr. Murdock,

The House adhered to its amendment.

On motion of Mr. Murdock,

Ordered, That a committee of conference be appointed on the said disagreement of the two Houses.

Messrs. Murdock and Shelledy were appointed said committee.

On motion of Mr. Morgan,

The vote ordering the above committee of conference, was reconsidered.

Mr. Murdock, by leave of the House, withdrew his motion for a committee of conference.

Mr. Speaker presented the report of the Auditor of Public Accounts.

On motion of Mr. Morgan,

Ordered, That the usual number of copies of the report be printed.

No. 33, C. File, A Bill to divorce Eli Dow from his wife, Lucy P. Dow;

Was read a second time.

On motion of Mr. Brown,

The bill was read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 37, C. File, A Bill to authorize the assessors of the respective counties in this Territory to take the census, &c.;

Was read a second time; and,

Ordered to be read a third time to-morrow.

No. 41, C. File, A Bill to divorce Jesse Brighan from his wife Nancy Brighan;

Was read a second time.

On motion of Mr. Ferguson,

The bill was amended by adding the following:

Sec. 2, That William H. Evans of the county of Davis be divorced from Rachel his wife;

Mr. Murdock made a motion, to indefinitely postpone the bill;

Pending which,

On motion of Mr. Downey,

The House adjourned.



TWO O'CLOCK, P. M.

A message was received from the Council by Mr. Kinney their Secretary.

MR. SPEAKER:

I am directed to inform the House of Representatives, that the Council have passed,

No. 30, C. File, A Bill to authorize the Governor to appoint commissioners to take acknowledgments &c., in foreign States and Territories;

No. 36. C. File, Joint resolution relative to lands granted Iowa Territory for a university;

In which the concurrence of the House of Representatives is requested.

The Council have passed with amendment—

No. 10, H. R. File, A Bill to amend an act entitled, "An act to amend an act to provide for assessing and collecting public revenue;" approved, 28th May, 1845;

Also, without amendment—

No. 16, H. R. File, A Bill to lay out and establish a Territorial road from Oskaloosa to Knoxville;

Also, with amendment—

No. 19, H. R. File, A Bill to authorize Edmund C. Whipple, & Co., to establish and keep a ferry across the Iowa and Cedar rivers at the junction of said rivers;

Also, without amendment—

No. 26, H. R. File, A Bill to change the name of E. G. White of Du Buque county;

And then he withdrew.

On motion of Mr. Ferguson,

No. 41, C. File, A Bill to divorce Jesse Brigham from his wife, Nancy Brigham;

Was laid on the table.

On motion of Mr. Murdock,

The vote on adhering to the amendment of the House, to the substitute made by the Council to

No. 5, H. R. File, A Bill to authorize James McGregor, jr., to keep a ferry across the Mississippi river in the county of Clayton;

Was re-considered.

Mr. Murdock, by leave of the House then withdrew his motion to adhere to said amendment.

On motion of Mr. Murdock,

The House insisted on its said amendment.



No. 43, C. File, A Bill to repeal an act to authorize the board of commississioners of the county of Du Buque, to levy a tax on all real and personal estate, approved May 26th, 1845;

Was read a second time; and

Ordered to a third reading on to-morrow.

On motion of Mr. Clifton,

The House adjourned until to-morrow morning at 10 o'clock.

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TUESDAY MORNING, 10 O'CLOCK,

DECEMBER 30, A. D. 1845.

Mr. Shelledy presented the petition of Richard Quinton and 17 other citizens of Keokuk county, praying for an act to authorize Griffin Abraham to erect a mill dam across the South Fork of Skunk river;

Which,

On motion of Mr. Shelledy,

Was referred to a select committee of three.

Messrs. Shelledy, Holland and Hancock were appointed said committee.

Mr. Wilson presented the petition of Michael O'Brien and 67 other citizens of Du Buque county, praying for the repeal of a law passed at the last session of the Legislature, authorizing the commissioners of Du Buque county to levy a tax of one per cent., on all real and personal property in said county;

Which,

On motion of Mr. Snyder,

Was referred to the delegation from the counties of Du Buque and Clayton.

Mr. Murdock gave notice that, on to-morrow or some future day, he would ask leave to introduce,

A Bill to provide for the payment of costs in cases where crimes are committed by the Indians.

Mr. Shelledy from the committee on New Counties to which was referred,

No. 27, H. R. File, A Bill for the organization of the county of Jasper;

Reported as a substitute,



No. 30, H. R. File, A Bill for the organization of new counties;  
Which was read a first time.

Mr. Shelledy from the committee on New Counties, to which was referred the petition of John Jackson and 28 other citizens of Keokuk county, praying the organization of said county, reported,

No. 31, H. R. File, A Bill for the organization of the county of Appanoose;

Which was read a first time.

The following message was received from the Council by Mr. Kinney, their Secretary:

MR. SPEAKER:

I am instructed by the Council to inform the House of Representatives that the Council have passed,

No. 45, C. File, A Bill requiring certain officers therein named to make their annual reports to the Executive;

In which the concurrence of the House of Representatives is requested.

And then he withdrew.

Mr. Munger from the committee on Common Schools, reported,  
No. 32, H. R. File, A Bill to amend an act to establish a system of common schools;" approved January 16th, 1840.

Which was read a first time.

On motion of Mr. Shelledy,

*Ordered*, That the usual number of copies of the bill be printed.

Mr. Shelledy made a motion to suspend the 41st rule in order to ask leave to introduce a bill;

Which motion was decided in the affirmative by a vote of more than two-thirds of the whole House;

Yeas 17, Nays 4.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Brown, Clifton, Downey, Flint, Ferguson, Graham, Hancock, Holland, Huner, Lester, Murdock, Ripley, Shelledy, Taylor, Woodworth, Wright and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Coy, Munger, Snyder and Wilson.

So the 41st rule was suspended.

Mr. Shelledy thereupon, after having obtained leave, introduced,  
No. 33, H. R. File, A Bill to levy an additional tax for Territorial purposes;

Which was read a first time;

The message was taken up.



No. 30. C. File, A Bill to authorize the Governor to appoint commissioners to take acknowledgments, &c., in foreign States and Territories;

Was read a first time.

No. 39, C. File, Joint resolution relative to lands granted to Iowa Territory for a university;

Was read a first time.

No. 10, H. R. File, A Bill to amend an act entitled, "An act to amend an act, entitled, 'An act to provide for assessing and collecting public revenue;'" approved May 28th, 1845.

Came up on the amendment of the Council to strike out the word "occupier" in the second line of section 3d, and insert the word "occupant;"

Which amendment was concurred in by the House.

No. 19, H. R. File, A Bill to authorize Edmund C. Whipple & Co. to establish and keep a ferry across the Iowa and Cedar rivers;

Having been returned from the Council with amendments, was taken up, and the amendments agreed to.

No. 35, C. File, Joint resolution for the payment of A. P. Woods for publishing catalogue of the library;

Was read a second time; and,

On motion of Mr. Ferguson,

Referred to the committee on Claims.

On motion of Mr. Snyder,

Mr. Ferguson was added to the standing committee on claims.

No. 22, C. File, A Bill to prevent the firing of prairies;

Was read a second time; and,

On motion of Mr. Snyder,

Referred to a committee of the whole House, and made the order of the day for to-morrow.

No. 37, C. File, A Bill to authorize the assessors of the respective counties in this Territory to take the census &c.;

Was read a third time,

Mr. Wilson made a motion to lay the bill on the table;

Which was decided in the negative.

The bill was then passed and its title agreed to.

Ordered, That the Council be informed thereof.

No. 43, C. File, A Bill to repeal an act to authorize the Board of Commissioners of the county of Du Buque, to levy a tax on all real and personal estate; approved May 26th, 1845;



Was read a third time, passed, and the title agreed to.

*Ordered*, That the Council be informed thereof.

Mr. McCleary, (Mr. Shelledy being in the chair) having given previous notice, and upon leave being granted introduced,

No. 34, H. R. File, A Bill to ruthorize Abel Thompson, to keep a ferry across the Mississippi river;

Which was read a first time; and,

On motion of Mr. Taylor,  
The 42d rule was suspended, the bill read a second time, and

On motion of Mr. Snyder,  
*Ordered*, That the bill be engrossed and read a third time to-morrow.

On motion of Mr. Munger,

The House adjourned.

TWO O'CLOCK, P. M.

On motion of Mr. Downey,

No. 33, H. R. File, A Bill to levy an additional tax for Territorial purposes;

Was taken from the table, the 42d rule suspended, and the bill read a second time.

A motion was made by Mr. Hancock, to suspend the 42d rule, in order that the bill might be read a third time now;

Which was decided, by a vote of two-thirds of the members present, in the affirmative.

Yeas 14, Nays 7.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are—

Messrs. Coy, Downey, Flint, Graham, Hancock, Holland, Huner, Lester, Morgan, Ripley, Shelledy, Taylor, Wright and McCleary, Speaker.

Those who voted in the negative, are—

Messrs. Brown, Clifton, Ferguson, Murdock, Snyder, Wilson and Woodworth,

So the 42d rule was suspended, and the bill read a third time,

Mr. Taylor stated that he was a creditor of the Territory, and interested in the passage of this bill, and asked the House to excuse him from voting.

The House refused to excuse him.

Mr. Murdock made a motion to lay the bill on the table;

Which was decided in the negative.



Mr. Wilson made a motion that Mr. Taylor be excused from voting;  
Which was decided in the negative.

Mr. Ferguson asked to be excused from voting, on the ground that  
he was a creditor of the Territory.

The House refused to excuse Mr. Ferguson.

The question was then put—"Shall the bill pass?"

Which was decided in the affirmative.

Yeas 12; Nays 9.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are—

Messrs Downey, Flint, Graham, Hancock, Holland, Huner, Lester,  
Morgan, Ripley, Shelledy, Wright and McCleary, Speaker.

Those who voted in the negative, are—

Messrs. Brown, Clifton, . Coy, Ferguson, Murdock, Snyder, Tay-  
lor, Wilson and Woodworth,

So the bill passed, and its title was agreed to.

*Ordered*, That the Council be informed thereof.

A motion was made by Mr. Shelledy to adjourn;

Which was decided in the affirmative.

Yeas 13, Nays 9.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Brown, Coy, Downey, Flint, Ferguson, Graham, Holland,  
Lester, Morgan, Shelledy, Snyder, Wilson and Wright.

Those who voted in the negative, were—

Messrs. Clifton, Hancock, Huner, Munger, Murdock, Ripley, Tay-  
lor, Woodworth and McCleary, Speaker.

So the House was adjourned.



WEDNESDAY MORNING, 10 O'CLOCK,

DECEMBER 31, A. D. 1845.

Mr. Banks presented the petition of William Chambers and 21 other citizens of Muscatine county, praying for the location of a Territorial road from the mouth of Pine river to Overman's Ferry on Cedar river;

Which,

On motion of Mr. Banks,

Was referred to the committee on Roads and Highways.

Mr. Lester presented the petition of Stiles S. Carpenter and 46 other citizens of the county of Davis, praying the legalization of the acts of Henry C. Smith as constable.

Which,

On motion of Mr. Lester,

Was referred to the committee on the Judiciary.

Mr. Coy gave notice that on to-morrow or some day thereafter he would ask leave to introduce,

A Preamble and Joint Resolutions, instructing our Delegate in Congress to use his influence to procure an increase of facilities upon mail routes No. 4228, and No. 4503.

Mr. Murdock gave notice that, on to-morrow or some future day, he would ask leave to introduce,

A Bill to authorize the Board of Commissioners of Clayton county, to change the name of Jacksonville in said county;

Mr. Wilson gave notice that, on to-morrow, or some future day, he would ask leave to introduce,

A Bill to authorize the people of Du Buque county, to vote for and against township organization at the next April election;

Mr. Taylor from the committee on Engrossed Bills, to which was referred,

No. 34, H. R. File, A Bill to authorize Abel Thompson, to keep a ferry across the Mississippi river;

Reported the same back to the House as being correctly engrossed.

Mr. Snyder from the committee on Claims, to which was referred,

No. 35, C. File, Joint resolution for the payment of A. P. Woods for publishing a catalogue of the Library;

Made the following report:



The committee on Claims to whom was referred,  
No. 35, C. File, Joint resolution for the payment of A. P. Woods  
for publishing a catalogue of the library;

Have had the same under consideration, and instructed me to report  
that the catalogue was published by order of the Judges of the Su-  
preme court for the use of the members of the bar, and that the com-  
mittee are not aware of the existence of any law by which any of the  
expenses incurred by the Supreme court can be justly charged on the  
Territorial treasury, or on the appropriation of Congress for legisla-  
tive expenses; and therefore recommend the indefinite postponement  
of the joint resolution.

Mr. Murdock made a motion to lay the report upon the table;

Which was decided in the negative.

On motion of Mr. Ferguson,

A call of the House was ordered.

Messrs Graham, Huner, Morgan, McMichael, Patterson and Rob-  
ertson were absent.

On motion of Mr. Wilson,

Messrs. Graham, Robertson, McMichael and Patterson were excu-  
sed from the call.

On motion of Mr. Ferguson,

The further call of the House was dispensed with.

The question was then put on concurring in the report;

And decided in the affirmative.

Yeas 15, Nays 5.

The yeas and nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Banks, Coy, Flint, Ferguson, Hancock, Holland, Lester,  
Ripley, Shelledy, Snyder, Taylor, Wilson Woodworth, Wright and  
McCleary, Speaker.

Those who voted in the negative, are

Messrs. Brown, Clifton, Downey, Munger and Murdock.

So the report was concurred in, and the joint resolution indefinitely  
postponed.

Mr. Murdock having given previous notice, and upon leave being  
granted, introduced,

No. 35, H. R. File, A Bill to provide for the payment of costs and  
fees in cases where crimes and offences have been committed by the  
Indians.

Which was read a first time.

On motion of Mr. Wilson,



The 42d rule was suspended, the bill read a second time; and,  
Referred to the committee on the Judiciary.

Messages from the Council were taken up.

No. 45, C. File, A Bill requiring certain officers therein named to  
make their annual reports to the Executive;

Was read a first time,

No. 30, H. R. File, A Bill for the organization of new counties;  
Was read a second time, and,

On motion of Mr. Snyder,

Referred to the members from the adjoining counties.

No. 31, H. R. File, A Bill for the organization of the county of  
Appanoose;

Was read a second time; and,

On motion of Mr. Hancock,

Ordered to be engrossed and read a third time to-morrow.

No. 30, C. File, A Bill to authorize the Governor to appoint com-  
missioners to take acknowledgments &c., in foreign States and Terri-  
tories;

Was read a second time, and,

On motion of Mr. Brown,

The 42d rule was suspended, the bill read a third time passed and  
its title agreed to.

Ordered, That the Council be informed thereof.

No. 39, C. File, Joint resolution relative to lands granted to Iowa  
Territory for a university;

Was read a second time; and

On motion of Mr. Taylor,

The 42d rule was suspended, the bill read a third time, passed and  
its title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Munger,

The vote on the passage of

No. 30. C. File, A Bill to authorize the Governor to appoint com-  
missioners to take acknowledgments, &c., in foreign States and Terri-  
tories;

Was re-considered, and the bill referred to a select committee.

Messrs. Munger, Murdock and Downey were appointed said com-  
mittee.

Mr. Holland made a motion to re-consider the vote on the passage of



No. 33, H. R. File, A Bill to levy an additional tax for Territorial purposes;

Which was decided in the negative.

Yeas 10; Nays 10.

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Banks, Brown, Clifton, Coy, Holland, Munger, Murdock, Snyder, Wilson and Woodworth.

Those who voted in the negative were—

Messrs. Downey, Flint, Ferguson, Hancock, Lester, Ripley, Shelly, Taylor, Wright and McCleary, Speaker.

So the motion to re-consider was lost.

No. 19, C. File, A memorial to Congress on the subject of a mail route in Washington county;

Was read a second time, and,

On motion of Mr. Clifton,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 34, H. R. File, A Bill to authorize Abel Thompson to keep a ferry across the Mississippi river;

Was read a third time, passed, and the title agreed to.

*Ordered*, That the Council be informed thereof.

On motion of Mr. Wilson,

The House adjourned.

TWO O'CLOCK, P. M.

No. 22, C. File, A Bill to prevent the firing of prairies;

Being the order of the day, was referred to a committee of the Whole House for the consideration of the same; (Mr. Morgan in the chair;) and after some time spent therein,

The Speaker resumed the chair, and Mr. Morgan reported that the committee had, according to order, had said bill under consideration, and instructed him to report the same back to the House without amendments.

On motion of Mr. Snyder,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

*Ordered*, That the Council be informed thereof.



No. 25, C. File, A Bill to restrain unauthorized banking.  
Being the order of the day,

On motion of Mr. Murdock,

The further consideration of the bill was postponed until Friday next.

On motion of Mr. Snyder,

No. 22, H. R. F. A Bill to establish a Territorial road in the counties of Jones and Delaware;  
Was taken from the table.

Mr. Wilson made a motion to amend the bill by adding as follows:  
"Provided, that this road shall not incur any debt to Delaware county;"

Which was decided in the negative.

Yeas 5; Nays 16.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—  
Messrs. Hancock, Lester, Murdock, Wilson and Woodworth.

Those who voted in the negative, were—  
Messrs. Banks, Browne, Clifton, Coy, Downey, Flint, Ferguson, Huner, Morgan, Munger, Ripley, Shelledy, Snyder, Taylor, Wright and McCleary, Speaker.

Mr. Wilson made a motion to indefinitely postpone the bill;  
Which was decided in the negative.

Yeas 11; Nays 11;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—  
Messrs. Banks, Browne, Clifton, Coy, Flint, Ferguson, Huner, Snyder, Taylor, Wright and McCleary, Speaker.

Those who voted in the negative, were—  
Messrs. Downey, Hancock, Holland, Lester, Morgan, Munger, Murdock, Shelledy, Wilson, Woodworth and Ripley.

Mr. Murdock made a motion to lay the bill on the table;  
Which was decided in the negative.

On motion of Mr. Wilson,

The bill was referred to the delegations from Du Buque and Clayton, and Cedar, Linn and Jones.

On motion of Mr. Wilson,

No. 10, C. File, A Bill to repeal all laws now in force allowing compensation to military officers in this Territory;  
Was taken from the table; and,



On motion of Mr. Morgan,

Ordered to a third reading on to-morrow.

Mr. Flint made a motion to take from the table

No. 36, C. File, A Bill to amend an act entitled, "An act to district the Territory of Iowa into electoral districts, and to apportion the representation of each;"

Which was decided in the negative.

Mr. Munger from the select committee to which was referred,

No. 30, C. File, A Bill to authorize the Governor to appoint commissioners to take acknowledgments, &c. in foreign States and Territories;

Reported the same back to the House with the following amendment:

Sec. 5th, That any such commissioner, shall be entitled to receive the same fees for services, as are now allowed for similar services by the laws of the State for which such commissioner is appointed.

Which was agreed to.

On motion,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Ripley,

The 41st rule was suspended; and, upon leave being granted, he introduced,

No. 36, H. R. File, Joint resolution to adjourn the Legislative Assembly to Mount Pleasant;

Which was read a first time.

On motion of Mr. Morgan,

The 42d rule was suspended, and the joint resolution read a second time.

Mr. Murdock made a motion to lay the joint resolution on the table;

Which was decided in the negative.

Mr. Shelledy made a motion to refer the joint resolution to a committee of the whole House, and that it be made the order of the day for this day.

Mr. Banks made a motion to amend so as to make it the order of the day for Friday next;

Which was decided in the negative.

The question then being put upon the adoption of the original motion, was decided in the affirmative.

The following message was then received from the Council, by Mr. Kinney, their secretary:



MR. SPEAKER:

I am instructed by the Council to inform the House of Representatives that the Council have insisted upon their amendment to

No. 5, H. R. File, A Bill to authorize James McGregor, jr., to keep a ferry across the Mississippi river in the county of Clayton;

And that the Council have appointed Messrs. Hastings, Abbe and Shelby a committee of conference relative to the disagreeing vote of the two Houses upon said bill.

The Council have added Messrs. Bradley and Ross to the joint committee on Enrollments.

I herewith present for your signature,  
Joint resolution authorising the Librarian to procure copies of Journals of the Legislative Assembly.

Joint resolution relative to obtaining another Land Office.

An act concerning the rights of married women;

An act to amend an act for assessing a Territorial tax and for other purposes, approved 15th February 1844.

And then he withdrew.

No. 36, H. R. File, Joint resolution to adjourn the Legislative Assembly to Mount Pleasant;

Being the order of the day for this day, was referred to a committee of the whole House for the consideration of the same, (Mr. Murdock in the chair,) and after some time spent therein,

The Speaker resumed the Chair, and Mr. Murdock reported that the committee had, according to order, had said resolution under consideration, and directed him to report the same back to the House with one amendment to wit: "Strike out Mount Pleasant;"

Which amendment was disagreed to.

Mr. Wilson offered the following as a substitute:

*Resolved*, That this Legislature adjourn *sine die* on the 6th of January, 1846; which,

On motion of Mr. Murdock,

Was laid on the table.

On motion of Mr. Browne,

The House adjourned until to-morrow morning at 10 o'clock.



THURSDAY MORNING, 10 O'CLOCK,

JANUARY 1, A. D. 1846.

Mr. Morgan from the committee on Enrolments, reported as correctly enroled,

An act to amend an act entitled, "An act to amend an act entitled, 'an act to provide for assessing and collecting public revenue;'" approved 28th May, 1845; And,

An act to change the name of E. G. White of Du Buque county;

Both of which were signed by the Speaker of the House of Representatives.

Mr. Morgan, in the following most appropriate and touching, language, announced the death of Mr. Robertson of Scott county.

MR. SPEAKER:

It is with feelings of unaffected sorrow that I rise to announce to this House the death of the Hon. JOSEPH M. ROBERTSON, of Scott county, who died at his lodgings in this city last evening, after a lingering and painful illness. Called upon unexpectedly to perform this melancholy task, it is impossible for me to do that justice to the deceased which his virtues so eminently deserve.

Mr. Robertson was one of the oldest members of this House—his term of service dating back some one or two sessions previous to the removal of the seat of government to this place. At the first session held in this city, it was the fortune of the individual who now addresses you to meet him as a fellow member of this House—since which time, with the exception of a single session, I have had the honor to meet him here in the same capacity. A long acquaintance, and that intimacy which a lengthened membership not only of the same House, but of the same committees naturally induces, afforded me frequent opportunities to test the qualities both of his mind and heart,—and it is with feelings of pleasure that I bear witness to the propriety of extending towards his memory those honors usually conferred by legislative bodies upon deceased members. He was, in every sense of the word, an honest man—and the resignation with which he met death is the best evidence that he was what he professed to be—a christian. He has left behind him a private character of unsuspected purity—and his public services stand approved in the repeated and uninterrupted evidences of confidence and honor bestowed upon him by his constituents. As a member of this House, his place cannot be readily supplied. Though participating but seldom in the exciting scenes of legislation, yet his matured judgment, his experience and his industry, made him efficient, and deservedly gained for him the highest appellation to



member.

With the leave of the House, I would therefore propose the adoption of the following resolutions:

*Resolved by the Council and House of Representatives of the Territory of Iowa,* That the members and officers of both Houses, will accompany the body of the Hon. Mr. Robertson to the limits of this city.

*Resolved,* That the members and officers of both Houses will testify their respect for the memory of the deceased by wearing crape on the left arm for thirty days.

*Resolved,* That a joint committee of two members of each House, be appointed to take order for the superintending of all arrangements necessary for the procession.

*Resolved,* That a committee be appointed to address a letter of condolence to the widow of the deceased expressive of the sympathy and the high respect entertained for the deceased by his associates.

*Resolved,* That the two Houses adjourn until to-morrow morning at ten o'clock.

Which was read a first time.

On motion of Mr. Murdock,

The 42d rule was suspended, and the joint resolution read a second time.

On motion of Mr. Banks,

The 42d rule was suspended, the joint resolution read a third time, and unanimously passed.

*Ordered,* That the Council be immediately informed thereof.

Messrs. Wilson, Taylor and Coy were appointed said committee of arrangements.

Messrs. Morgan and Munger were appointed to address a letter of condolence to the widow of the deceased.

The following message was received from the Council by Mr. Kinney, their Secretary:

MR. SPEAKER:

I am instructed by the Council to inform the House of Representatives that the Council have passed,

No. 37, H. R. File, Joint resolution relative to the death of Mr. Robertson; And that,

Messrs. Coop and Shelby are appointed as a committee on the part of the Council, to act in conjunction with the committee of arrangements on the part of the House.

On motion of Mr. Wilson,

The House adjourned until to-morrow morning at 10 o'clock.



FRIDAY MORNING, 10 O'CLOCK.

JANUARY 2d, A. D. 1846.

Mr. Banks presented the petition of John Mash and 32 other citizens of the counties of Muscatine and Cedar, praying for a re-location of a part of the Territorial road across the Wapsenonock creek in Cedar county, and intersecting the Bloomington and Iowa City road, at West Liberty in Muscatine county;

Which,

On motion of Mr. Banks,

Was referred to the committee on Roads and Highways.

Mr. Hunor presented the account of R. Wilson Albright, for printing, pressing, folding and stitching the journals of the House of Representatives of the Territory of Iowa, for the May session A. D. 1845;

Which,

On motion of Mr. Taylor,

Was referred to the committee on Claims.

Mr. Shelledy presented the petition of Francis A. Baker and 34 other citizens of Mahaska and Marion counties, praying for a Territorial road from Oskaloosa in Mahaska county, to Knoxville in Marion county;

Which,

On motion of Mr. Shelledy,

Was laid on the table.

Mr. Shelledy presented the petition of Hiram Nircyke and 104 other citizens of Mahaska and Marion counties, praying for a Territorial road from the public square in the town of Oskaloosa, to Kertin's ford on the Des Moines river;

Which,

On motion of Mr. Shelledy,

Was laid on the table.

Mr. Snyder presented the petition of J. Culbertson and 81 other citizens of Cedar county, praying for a revision of the act to establish a system of Common Schools; which,

On motion of Mr. Snyder,

Was laid on the table.



Mr. Murdock gave notice that, on to-morrow or some future day, he would ask leave to introduce,

A Bill to authorize Eliphalet Price, judge of probate of the county of Clayton, to transcribe the records of said court.

Mr. Flint gave notice that, on to-morrow, or some future day, he would ask leave to introduce,

A Bill to locate a Territorial road from Ottumwa, the county seat of Wapello county, to Bloomfield, the county seat of Davis county;

Mr. Wilson gave notice that he would on some future day, ask leave to introduce,

A Bill amendatory to an act concerning watercrafts found adrift, lost goods, and estray animals;

Mr. Morgan from the committee on Enrolments, reported as correctly enroled,

An act to lay out and establish a Territorial road from Oskaloosa to Knoxville;

Mr. Taylor from the committee on Engrossed Bills, reported, No. 31, H. R. File, A Bill for the organization of the county of Appanoose;

Back to the House as being correctly engrossed.

Mr. Shelledy from the committee to which was referred, No. 31, C. File, A memorial to Congress for an appropriation to improve the navigation of the Des Moines river;

Reported the same back to the House without amendment.

Mr. Murdock having given previous notice, and upon leave being granted, introduced,

No. 38, H. R. File, A Bill to declare a certain road in the county of Du Buque, to be a Territorial road; to appoint commissioners to locate a Territorial road from Floydes in Du Buque county *via* the colony to Boardman's precinct thence in the direction of Fort Atkinson.

Which was read a first time.

Also,

No. 39, H. R. File, A Bill to authorize the board of commissioners of Clayton county to change the name of Jacksonville, in said county;

Which was read a first time,

Mr. Snyder having given previous notice, and upon leave being granted, introduced,

No. 40, H. R. File, Preamble and Joint Resolutions, instructing our Delegate in Congress to use his influence to procure an increase of facilities upon mail routes No. 4228, and No. 4503.

Which was read a first time.

On motion of Mr. Snyder,



The 42d rule was suspended, the bill read a second time, and,  
Referred to the committee on Territorial Affairs.

On motion of Mr. Wilson,

A Committee of conference on the part of the House, was appointed to act in conjunction with a similar committee on the part of the Council, in relation to the disagreeing vote of the two Houses, upon the amendment of the House to the substitute made by the Council to

No. 5, H. R. File, A Bill to authorize James McGregor, jr., to keep a ferry across the Mississippi river in the county of Clayton;

Messrs. Wilson and Murdock were appointed said committee.

No. 45, C. File, A Bill requiring certain officers therein named to make their annual reports to the Executive;

Was read a second time, and,

On motion of Mr. Browne,

Ordered to a third reading on to-morrow.

No. 31, H. R. File, A Bill for the organization of the county of Appanoose;

Was read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 25, C. File, A Bill to restrain unauthorized banking.

Being the order of the day,

On motion of Mr. Morgan,

The further consideration of the bill was postponed until Wednesday next.

On motion of Mr. Shelledy.

No. 31, C. File, A memorial to Congress for an appropriation to improve the navigation of the Des Moines river;

Was re-committed to the select committee consisting of the Delegations from the river counties.

On motion of Mr. Shelledy,

No. 32, H. R. File, A Bill to amend an act to establish a system of common schools;" approved January 16th, 1840.

Was taken from the table; and,

On motion of Mr. Morgan,

Referred to a committee of the whole House, and made the order of the day for this hour. The House resolved itself into a committee of the whole House, (Mr. Wright in the chair;) and after some time spent therein,

Mr. Speaker resumed the chair, the committee rose, and by their chairman reported the bill back with sundry amendments.



Mr. Wilson made a motion to re-commit the bill to the committee on the Judiciary;

Which was decided in the negative.

The question was then put—"Shall the House concur in the amendments made by the committee to the 4th section?"

Which was decided in the negative.

On motion of Mr. Morgan,

The 4th section was amended as follows: Add,

"And that the provisions of this bill shall be extended to any and all townships, which may hereafter be organized in any of the counties of this Territory;"

The question was then put—"Shall the House concur in the amendment made by the committee to the 6th section?"

Which was decided in the affirmative.

On motion of Mr. Morgan,

*Ordered*, That the bill be engrossed and read a third time to-morrow.

The following message was received from the Council by Mr. Kinney, their Secretary:

MR. SPEAKER:

I herewith return—

An act to amend an act entitled, "An act to amend an act entitled, 'an act to provide for assessing and collecting public revenue,'" approved 28th May, 1845; Also,

An act to change the name of E. G. White of Du Buque county;

The same having been signed by the President of the Council.

Also,

The following message was then received from the Council, by Mr. Kinney, their secretary:

MR. SPEAKER:—

I herewith present for your signature,

An act to divorce Eli Dow from his wife, Lucy P. Dow;

An act to authorize the assessors of the respective counties in this Territory, to take the census;

Joint resolution relative to lands granted Iowa Territory for a university; And,

An act to prevent the firing of prairies;

And then he withdrew.

Mr. Wilson, upon the suspension of the 41st rule, and leave being granted, introduced,

No. 41, H. R. File, Joint resolution;

Which was read a first time.



On motion of Mr. Munger,  
The House adjourned.

TWO O'CLOCK, P. M.

On motion of Mr. Morgan,

No. 14, H. R. File, A Bill to provide for the election of delegates to form a Constitution for the government of the future State of Iowa;  
Was taken from the table; and,

On motion of Mr. Morgan,

The 42d rule was suspended, the bill read a second time, and  
Referred to the committee on Territorial Affairs.

The following message was received from the Council by Mr. Kinney their Secretary.

MR. SPEAKER:—

I am directed to inform the House of Representatives, that the Council have concurred in the amendment of the House to

No. 30, C. File, A Bill to authorize the Governor to appoint commissioners to take acknowledgments, &c., in foreign States and Territories;

And then he withdrew.

Mr. Snyder from the committee on Claims, to which was referred the claim of Alexander Stevens, made the following report:

The committee on Claims to which was referred the claim of Alexander Stevens, have had the same under consideration, and instructed me to report adverse to said claim.

Which report was concurred in by the House.

Mr. Wilson from the select committee to which was referred, No. 22, H. R. F. A Bill to establish a Territorial road in the counties of Jones and Delaware;

Reported the same back to the House without amendment.

On motion of Mr. Taylor,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Wilson, upon the suspension of the 41st rule, and leave being granted, introduced,

No. 42, H. R. File, A Bill to amend an act, entitled, "An act for the limitations of actions, and avoiding vexatious law suits;" approved February 15th, 1843;

Which was read a first time;



On motion of Mr. Downey,

The 42d rule was suspended, the bill read a second time; and,  
Referred to the committee on the Judiciary.

Mr. Wilson, upon the suspension of the 41st Rule, and leave being  
granted, introduced,

No. 43, H. R. File, A Bill defining the term of office of constables;

Which was read a first time.

On motion of Mr. Morgan,

The 42d rule was suspended, and the bill read a second time;

On motion of Mr. Ripley,

The bill was ordered to be engrossed and read a third time to-mor-  
row.

No. 10, C. File, A Bill to repeal all laws now in force allowing  
compensation to military officers in this Territory;

Was read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

On motion of Mr. Shelledy,

The messages from the Council were taken up.

No. 25, H. R. File, A Bill to lay out and establish new counties  
and define their boundaries;

Having been returned with one amendment, was taken up; and,

On motion of Mr. Morgan,

The amendment was disagreed to by the House.

No. 23, C. File, A Bill to divorce Joseph Hartly from his wife Ann  
Hartly;

Was read a first time; and,

On motion of Mr. Taylor,

The 42d rule was suspended, and the bill read a second time.

On motion of Mr. Wilson,

The bill was laid on the table.

No. 34, C. File, A Bill to re-establish a part of a territorial road  
vacated by an act, approved February 16th, 1842;

Was read a first time.

On motion of Mr. Wilson,

The 42d rule was suspended, the bill read a second time, and,  
*Ordered* to a third reading on to-morrow.

No. 42, C. File, A Bill to amend an act entitled, "An act to incor-  
porate the town of Bloomington;" approved January 23d, 1839;



Was read a first time.

On motion of Mr. Banks,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Snyder,

Referred to the committee on Incorporations.

The following message was received from the Council, by Mr. Kinney their Secretary:

MR. SPEAKER:—

I am instructed by the Council to inform the House of Representatives that the Council have passed,

No. 23, C. File, A Bill to divorce Joseph Hartley from his wife Ann Hartley.

No. 34, C. File, A Bill to establish a part of a Territorial road vacated by an act approved July 16th, 1842;

No. 42, C. File, A Bill to amend an act entitled "An act to incorporate the town of Bloomington;" approved January 23d, 1839.

In which the concurrence of the House of Representatives is requested.

The Council have agreed to the amendment of the House to

No. 19, C. File, A memorial to Congress on the subject of a mail route in Washington county;

The Council have passed—

No. 11, H. R. File, A Bill to vacate a part of a Territorial road from Wyoming to Moscow.

Also with amendment—

No. 25, H. R. File, A Bill to lay out and establish new counties and define their boundaries.

In which amendments the concurrence of the House of Representatives is requested.

Mr. Downey, upon a suspension of the 41st rule, and leave being granted, introduced,

No. 44, H. R. File, A Bill to amend an act entitled, "An act to prevent and punish the obstruction of public roads and Highways;

Which was read a first time.

On motion of Mr. Banks,

Ordered, That the House stand adjourned until to-morrow morning 10 o'clock.



## SATURDAY MORNING, 10 O'CLOCK.

JANUARY 3, A. D. 1846.

Mr. Patterson presented the petition of R. R. Criel and 12 other citizens of Lee county, praying for a re-location of a portion of the Territorial road running from West Point in Lee county, to Fairfield in Jefferson county;

Which,

On motion of Mr. Patterson,

Was referred to a select committee of three.

Messrs. Patterson, Browne, and Flint were appointed said committee.

Mr. Shelledy gave notice that, on Monday next, or some day thereafter, he would ask leave to introduce,

A Bill for a charter to build mill dams on Skunk river;

Mr. Shelledy offered the following:

*Resolved*, That the Secretary of the Territory be instructed to pay to the widow of the late Joseph M. Robertson deceased, or her order, the full amount of his per diem and mileage for the full term of the present session;

Which was adopted.

Mr. Morgan from the Judiciary committee to whom was referred, No. 9, H. R. File, A Bill to amend an act regulating interest on money;

Also,

No. 24, H. R. File, A Bill to regulate the right of Dower and the assignment thereof;

Also,

No. 15, H. R. File, A Bill to amend an act entitled, "an act to change the time of holding the general election;" approved 29th January, 1844;

Reported the same back to the House without amendment, and recommended their passage.

Mr. Morgan from the same committee, to which was referred,

No. 15, C. File, A Bill supplementary to an act entitled, "An act regulating the mode of taking depositions, and to provide for the perpetuation of testimony;

Reported the same back to the House with one amendment.

Mr. Morgan from the same committee to whom was referred,

No. 11, C. File, A Bill to repeal an act entitled, "An act to post-



pone the election of members of the House of Representatives of the Territory of Iowa, from August until April;

Reported the same back to the House, with the recommendation that the bill be indefinitely postponed.

Mr. Morgan from the same committee to which was referred the petition of Stiles Carpenter and other citizens of Davis county, praying for an act to legalize the acts of Henry C. Smith;

Reported that the committee had instructed him to report a bill to that effect; viz:

No. 45, H. R. File, A Bill to legalize the acts of Henry C. Smith;  
Which was read a first time.

On motion of Mr. Browne,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Taylor,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Shelledy from the select committee to whom was referred, No. 31, C. File, A memorial to Congress for an appropriation to improve the navigation of the Des Moines river;

Reported the same back to the House without amendment.

Mr. Taylor from the committee on Engrossed Bills, reported that the committee had carefully examined,

No. 32, H. R. File, A Bill to amend an act entitled, "an act to establish a system of common schools;" approved January 16th, 1840.

And found the same correctly engrossed.

Mr. Murdock from the committee on Ways and Means, to whom was referred a resolution requiring said committee to enquire into, and report how long the present session may continue without detriment to the public interest, have had the same under consideration, and made the following report:

The committee on Ways and Means to whom was referred a resolution requiring them to enquire into and report how long the present session may continue without detriment to the public interest, have had the same under consideration and beg leave to make the following

**REPORT:**

That the Secretary of the Territory has now in his hands, subject to the payment of arrearages and of the expenses of the present session of the Legislative Assembly the sum of \$15,660 84.

The arrearages now unpaid of expenses incurred by former sessions prior to the May session, the Secretary estimates at the sum of \$300.

The arrearages of the May session, the Secretary estimates as follows, to wit:



The total amount which will remain unpaid of said expenses after he shall have paid out all of the former appropriation in his hands, will amount to the sum of \$3,853 36. Making total amount of arrearages, as estimated, the sum of \$4,103 36; leaving the sum of \$11,557 48, after paying off all arrearages of every character which is, or can be chargeable to the congressional appropriations for the payment of the expenses of the present session.

Your committee, after a careful examination, and estimate of the probable expenses of the present session, have come to the conclusion that the present session of the Legislature may, without incurring risk or leaving the Legislature in debt, continue in session forty-five days from the time of the meeting.

Your committee would most respectfully urge upon the House the propriety of fixing immediately upon a day certain for the adjournment.

Your committee believe that the present session may be brought to a close without detriment to the public interest by adjourning on Wednesday the 14th instant.

Your committee beg leave to submit the following resolution:

*Resolved*, That the two Houses adjourn *sine die* on Wednesday, the 14th day of January, A. D. 1846.

Mr. Browne made a motion to lay the report on the table.

On motion of Mr. Browne,

A call of the House was ordered.

Messrs. Coy, Graham, Hunor, Morgan and McMichael were absent.

On motion of Mr. Taylor,

A further call of the House was suspended.

The question was then put—"Shall the report be laid upon the table?"

Which was decided in the affirmative.

Yeas 13; Nays 7;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Banks, Browne, Clifton, Downey, Flint, Hancock, Holland, Munger, Patterson, Ripley, Snyder, Taylor and Wright.

Those who voted in the negative, were—

Messrs. Ferguson, Lester, Murdock, Shelledy, Wilson Woodworth and McCleary, Speaker.

So the report was laid upon the table.

Mr. Taylor from the committee on Incorporations, to whom was referred,



No. 42, C. File, A Bill to amend an act entitled, "An act to incorporate the town of Bloomington;" approved January 28, 1839;

Reported the same back to the House with one amendment.

Which was agreed to.

Mr. Murdock having given previous notice, and upon leave being granted, introduced,

No. 46, H. R. File, A Bill to authorize Eliphalet Price, judge of probate of the county of Clayton, to transcribe the records of said court;

Which was read a first time,

On motion of Mr. Murdock,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Wilson,

Ordered to be engrossed and read a third time on Monday next.

No. 38, H. R. File, A Bill to declare a certain road in the county of Du Buque, to be a Territorial road; to appoint commissioners to locate a Territorial road from Floydes in Du Buque county *via* the colony to Boardman's precinct thence in the direction of Fort Atkinson.

On motion of Mr. Murdock,

Was ordered to be engrossed and read a third time on Monday next.

No. 39, H. R. File, A Bill to authorize the board of commissioners of Clayton county to change the name of Jacksonville, in said county;

Was read a second time, and,

On motion of Mr. Wilson,

Ordered to be engrossed and read a third time on Monday next.

No. 41, H. R. File, Joint resolution;

Was read a second time, and,

On motion of Mr. Browne,

Laid upon the table.

No. 44, H. R. File, A Bill to amend an act entitled, "An act to prevent and punish the obstruction of public roads and highways;"

Was,

On motion of Mr. Downey,

Laid upon the table.

No. 45, C. File, A Bill requiring certain officers therein named to make their annual reports to the Executive;

Was read a third time, passed, and its title agreed to.



*Ordered*, That the Council be informed thereof.

The following message was received from the Council by Mr. Kinney, their Secretary:

MR. SPEAKER:

I am instructed by the Council to inform the House of Representatives that the Council have passed,

No. 58. C. File, A Bill to appoint commissioners to re-locate the county seat of Keokuk county;

Also,

No. 66, C. File, A Bill to divorce certain persons therein named; In which the Concurrence of the House of Representatives is requested.

And then he withdrew.

No. 34, C. File, A Bill to re-establish a part of a territorial road vacated by an act, approved February 16th, 1843;

Was read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 43, C. File, A Bill to repeal an act to authorize the board of commissioners of the county of Du Buque to levy a tax on all real and personal estate, approved May 26th, 1845;

Was read a third time, passed, and the title agreed to.

*Ordered*, That the Council be informed thereof.

On motion of Mr. Shelledy,

The messages of the Council were taken up.

No. 58, C. File; A Bill to appoint commissioners to re-locate the county seat of Keokuk county;

Which was read a first time; and,

On motion of Mr. Shelledy,

The 42d rule was suspended, the bill read a second time; and, Referred to a committee of the whole House, and made the order of the day for this day at 2 o'clock P. M.

No. 66, C. File, A Bill to divorce certain persons therein named; Was read a first time.

On motion of Mr. Browne,

The 42d rule was suspended, and the bill read a second time;

Mr. Shelledy made a motion to indefinitely postpone the bill.

Pending which,

On motion of Mr. Taylor,

The bill was laid on the table.



On motion of Mr. Ferguson,

Mr. Lester was added to the standing committee on Roads and Highways,

On motion of Mr. Murdock,

Ordered, That the House stand adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

No. 66, C. File, A Bill to appoint commissioners to re-locate the county seat of Keokuk county;

Being the order of the day, was considered in committee of the whole House, (Mr. Wilson in the chair;) and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Chairman reported the bill back to the House with sundry amendments;

Which amendments were concurred in.

A motion was made by Mr. Ferguson that the 42d rule be suspended and the bill read a third time now.

On the question being put, it was decided in the affirmative.

Yeas 15, Nays 4.

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Banks, Brown, Clifton, Downey, Flint, Ferguson, Hancock, Holland, Lester, Patterson, Shelledy, Taylor, Wilson, Woodworth, and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Murdock, Ripley, Snyder, and Wright.

The question was then put—"Shall the bill pass?"

Which was decided in the affirmative.

Yeas 11; Nays 9.

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Banks, Browne, Downey, Flint, Ferguson, Hancock, Holland, Patterson, Shelledy, Taylor, and Wilson.

Those who voted in the negative were—

Messrs. Clifton, Lester, Munger, Murdock, Ripley, Snyder, Woodworth, Wright and McCleary, Speaker.

So the bill was passed and its title agreed to.

Ordered, That the Council be informed thereof.



The following message was received from the Council by Mr. Kinney, their Secretary:

MR. SPEAKER:

I am directed to inform the House of Representatives, that the Council have passed,

No. 47, C. File, A Bill to divorce Phebe Elizabeth Wilkie from her husband Thomas Wilkie;

No. 50, C. File, A Bill to authorize the county commissioners of Jackson county to establish a survey of a road in said county.

No. 51, C. File, A Bill to establish a Territorial road from Sigourney in Keokuk county to Washington in Washington county;

No. 57, C. File, A Bill to establish and confirm an alteration in the Wyoming road;

In which the concurrence of the House of Representatives is requested.

I herewith present for your signature—

An act to amend an act to authorize the Governor to appoint commissioners to take acknowledgments, &c., in foreign States and Territories;

A memorial to Congress on the subject of a mail route in Washington county;

And then he withdrew.

On motion of Mr. Patterson,

Ordered, That the House adjourn until Monday morning at ten o'clock.

## MONDAY MORNING, 10 O'CLOCK.

JANUARY 5th, A. D. 1845.

Mr. Shelledy presented the petition of B. W. Edwards, and 72 other citizens of Washington and Keokuk counties praying for a Territorial road from Washington to Keokuk county;

Which,

On motion of Mr. Shelledy,

Was referred to the Committee on Roads and Highways;



Mr. Shelledy presented the petition of Henry McCrocker and 31 other citizens of Washington and Jefferson counties, praying for a Territorial road from Washington county to Fairfield, in Jefferson county;

Which,

On motion of Mr. Shelledy,

Was referred to the committee on Roads and Highways.

Mr. Hancock presented the petition of J. Gregory and 52 other citizens of Van Buren county, praying for an alteration in the present law in regard to township organizations;

Which,

On motion of Mr. Hancock,

Was referred to the committee on the Judiciary.

Mr. Patterson from the select committee to whom was referred the petition of R. R. Criel and others praying for a re-location of a portion of the Territorial road from West Point in Lee county, to Fairfield in Jefferson county, reported,

No. 47, H. R. File, A Bill to re-locate a part of the Territorial road leading from West Point in Lee county, to Salem in Henry county;

Which was read a first time; and,

On motion of Mr. Patterson,

The 42d rule was suspended, the bill read a second time, and

Ordered to be engrossed and read a third time on to-morrow.

Mr. Taylor from the committee on Engrossed Bills; reported,

No. 43, H. R. File, A Bill defining the term of office of Constables;

No. 39, H. R. File, A Bill to authorize the board of commissioners of Clayton county to change the name of Jacksonville, in said county;

No. 38, H. R. File, A Bill to declare a certain road in the county of Du Buque, to be a Territorial road; to appoint commissioners to locate a Territorial road from Floyd's in Du Buque county *via* the colony to Boardman's precinct thence in the direction of Fort Atkinson.

Also,

No. 46, H. R. File, A Bill to authorize Eliphalet Price, judge of probate in the county of Clayton, or his successors in office, to transcribe the records of said court;

As being correctly engrossed.



Mr. Flint having given previous notice, and upon leave being granted, introduced,

No. 48, H. R. File, A Bill to locate a Territorial road from Ottumwa in Wapello county, to Bloomfield in Davis county;

Which was read a first time.

On motion of Mr. Flint,

The 42d rule was suspended, the bill read a second time; and,  
Referred to the committee on Roads and Highways.

Mr. Wilson having given previous notice, and upon leave being granted, introduced,

No. 49, H. R. File, A Bill to amend an act entitled an act concerning water crafts found adrift, lost goods, and estray animals;

Which was read a first time,

Mr. McMichael having given previous notice, and upon leave being granted, introduced,

No. 50, H. R. File, A Bill to alter and amend an act to provide for levying a tax on real and personal property for road purposes;

Which was read a first time; and,

On motion of Mr. McMichael,

The 42d rule was suspended, the bill read a second time; and,  
Referred to the committee on Roads and Highways.

No. 47, C. File, A Bill to divorce Phebe Elizabeth Wilkie from her husband Thomas Wilkie;

Was read a first time, and,

On motion of Mr. Browne,

The 42d rule was suspended, the bill read a second time; and,  
Referred to a select committee of three.

Messrs. Ferguson, Browne and Patterson were appointed said committee.

No. 50, C. File, A Bill to authorize the county commissioners of Jackson county to establish a survey of a road in said county.

Was read a first time.

No. 51, C. File, A Bill to establish a Territorial road from Sigourney in Keokuk county to Washington in Washington county;

Was read a first time.

No. 57, C. File, A Bill to establish and confirm an alteration in the Wyoming road;

Was read a first time, and,

On motion of Mr. Banks,



The 42d rule was suspended, the bill read a second and third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 42, C. File, A Bill to amend an act entitled, "An act to incorporate the town of Bloomington;" approved January 23, 1839;

Was read a second time, and,

*Ordered* to a third reading on to-morrow.

No. 31, C. File, A memorial to Congress for an appropriation to improve the navigation of the Des Moines river;

Was read a second time, and,

On motion of Mr. Browne,

The 42d rule was suspended, the memorial read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 9, H. R. File, A Bill to amend an act regulating interest on money;

Was read a second time.

Mr. Wilson made a motion to strike out the proviso in regard to six per cent. which reads as follows:

"Provided, That no greater amount than six per centum per annum, shall be recovered on any judgment obtained before any court of justice in this Territory.

Pending which,

On motion of Mr. Patterson,

The bill was laid upon the table.

No. 15, H. R. File, A Bill to amend an act entitled, "an act to change the time of holding the general election;" approved 29th January, 1844;

Was read a second time.

Mr. Taylor made a motion that the bill be engrossed and ordered to a third reading on to-morrow;

Pending which,

Mr. Browne made a motion that the bill be laid on the table;

Which was decided in the affirmative.

Yeas 16; Nays 6.

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—



Messrs. Banks, Browne, Clifton, Flint, Ferguson, Graham, Hancock, Holland, Hunor, Lester, Murdock, McMichael, Patterson, Ripley, Woodworth and Wright.

Those who voted in the negative were—

Messrs. Morgan, Shelledy, Snyder, Taylor, Wilson and McCleary, Speaker.

So the bill was laid upon the table.

No. 24, H. R. File, A Bill to regulate the right of Dower and the assignment thereof;

Was read a second time; and,

On motion of Mr. Snyder,

Ordered to be engrossed and read a third time on to-morrow.

No. 11, C. File, A Bill to repeal an act entitled, "An act to postpone the election of members of the House of Representatives of the Territory of Iowa, from August until April;

Was read a second time.

Mr. Patterson made a motion to lay the bill upon the table;

Which was decided in the negative.

Yeas 9; Nays 15;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Downey, Graham, Munger, Murdock, Patterson, Shelledy, Taylor, Wilson and Woodworth.

Those who voted in the negative, were—

Messrs. Banks, Browne, Clifton, Flint, Ferguson, Hancock, Holland, Hunor, Lester, Morgan, McMichael, Ripley, Snyder, Wright and McCleary, Speaker.

The question being upon concurring in the report of the committee on the Judiciary, to indefinitely postpone the bill,

Mr. Murdock made a motion to refer the bill to a select committee;

Which was decided in the negative.

The question was then put on concurring in the report of the committee;

Which was decided in the negative.

Mr. Browne made a motion to suspend the 42d rule, and that the bill be ordered to a third reading now;

Which was decided in the affirmative.

Yeas 13, Nays 11.



The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Brown, Clifton, Flint, Ferguson, Graham, Hancock, Holland, Lester, Morgan, McMichael, Ripley, Woodworth, and Wright.

Those who voted in the negative, were—

Messrs. Banks, Downey, Hunor, Munger, Murdock, Patterson, Shelledy, Snyder, Taylor, Wilson and McCleary, Speaker.

No. 15, C. File, A Bill supplementary to an act entitled, "An act regulating the mode of taking depositions, and to provide for the perpetuation of testimony;

Having been reported back to the House from the Judiciary committee with an amendment, was taken up, the amendment concurred in, and the bill ordered to a third reading on to-morrow.

No. 46, H. R. File, A Bill to authorize Eliphalet Price, Judge of Probate in the county of Clayton, or his successors in office, to transcribe the records of said court;

Was read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 38, H. R. File, A Bill to declare a certain road in the county of Du Buque to be a Territorial road, and to appoint commissioners to locate a Territorial road from Floyds in Du Buque county, *via* colony, to Boardman's Precinct, thence in the direction of Fort Atkinson;

Was read a third time, passed, and the title agreed to.

*Ordered*, That the Council be informed thereof.

No. 39, H. R. File, A Bill to authorize the board of commissioners of Clayton county, to change the name of Jacksonville in said county; and,

No. 43, H. R. File, A Bill defining the term of office of constables; Were read a third time, passed, and their titles agreed to.

*Ordered*, That the Council be informed thereof.

On motion of Mr. Morgan,

No. 66, C. File, A Bill to divorce certain persons therein named;

Was taken up.

Mr. Shelledy by leave of the House withdrew his motion to postpone the bill.

On motion of Mr. Taylor,

The bill was referred to Messrs. Ferguson, Patterson and Broyne.



On motion of Mr. Morgan,

No. 41, C. File, A Bill to divorce Jesse Bringham from his wife Nancy Bringham;

Also,

No. 23, C. File, A Bill to divorce Joseph Hartley from his wife Ann Hartley.

Were referred to Messrs. Ferguson, Browne and Patterson.

Mr. Patterson, upon the suspension of the 41st rule, introduced, No. 51, H. R. File, Joint resolution providing for the adjournment of the Legislature, *sine die*;

Which was read a first time.

Mr. Downey made a motion to reconsider the vote upon the passage of

No. 58, C. File; A Bill to appoint commissioners to re-locate the county seat of Keokuk county;

Which was decided by the Chair as being out of order.

Mr. Patterson made a motion to adjourn;

Which was decided in the negative;

Yeas 8; Nays 16;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Ferguson, Graham, Hunor, Patterson, Snyder, and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Banks, Clifton, Downey, Flint, Hancock, Holland, Lester, Morgan, Munger, Murdock, McMichael, Ripley, Shelledy Wilson Woodworth and Wright.

On motion of Mr. Patterson,

Ordered, That the House stand adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

On motion of Mr. Wilson,

No. 51, H. R. File, Joint resolution providing for the adjournment of the Legislature, *sine die*;

Was taken from the table.

On motion of Mr. Murdock,

The 42d rule was suspended, and the joint resolution read a second time.



Mr. Murdock made a motion to amend by striking out the words "Monday the 19th," and inserting the words "Wednesday the 14th."

On motion of Mr. Ferguson,

A call of the House was ordered.

Messrs. Banks, Coy and Clifton were absent.

The following message was received from the Council, by Mr. Kinney their Secretary:

MR. SPEAKER:—

I am instructed by the Council to inform the House of Representatives that the Council have passed,

No. 49, C. File, A Bill to divorce Amelia Scanlin from her husband Thomas Scanlin;

No. 52, C. File, A Bill to divorce Jemima Snyder from her husband Nathaniel Snyder;

No. 54, C. File, A Bill for an act to amend an act entitled, "An act to organize the county of Marion;" approved June 10th, 1845;

No. 61, C. File, A Bill to incorporate the city of Du Buque;

No. 67, C. File, A Bill to legalize the official acts of Henry C. Smith, a Constable in the county of Davis;

No. 68, C. File, A Bill to divorce Joseph Hewett from his wife Jane Hewett;

In which the concurrence of the House of Representatives is requested.

The Council have passed with an amendment—

No. 7, H. R. File, A memorial to Congress praying for an appropriation to defray the expenses growing out of the dispute between the Territory of Iowa and the State of Missouri, in relation to the Southern boundary line;

Also with amendments—

No. 31, H. R. File, A Bill for an act for the organization of the county of Appanoose;

In which amendments the concurrence of the House of Representatives is requested.

The Council have passed—

No. 29, H. R. File, A memorial to Congress, praying an appropriation for the construction of a public wharf at the town of Keokuk;

The Council have receded from their amendment to

No. 25, H. R. File, A Bill to lay out and establish new counties, and define their boundaries;



The Council have concurred in the amendment of the House of Representatives to

No. 58. C. File, A Bill to appoint commissioners to re-locate the county seat of Keokuk county;

I herewith present for your signature—

An act to repeal all laws now in force allowing compensation to military officers in this Territory.

And then he withdrew.

Said act was then signed by the Speaker of the House of Representatives.

On motion of Mr. Taylor,

Mr. Coy was excused from the call.

Messrs. Banks and Clifton appeared and took their seats.

On motion of Mr. Browne,

The further call of the House was suspended.

The question was then put, upon striking out the words Monday the 19th;

Which was decided in the negative.

Yeas 8; Nays 16.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Banks, Ferguson, Lester, Murdock, Shelledy, Wilson, Woodworth and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Browne, Downey, Clifton, Flint, Graham, Hancock, Holland, Hunor, Morgan, McMichael, Patterson, Ripley, Snyder, Taylor, and Wright.

On motion of Mr. Browne,

The 42d rule was suspended, and the joint resolution read a third time.

Mr. Downey made a motion to lay the joint resolution upon the table;

Which was decided in the negative.

Yeas 7; Nays 17;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Banks, Downey, Hancock, Holland, Munger, Murdock, and Ripley;



Those who voted in the negative, were—

Messrs. Browne, Clifton, Flint, Ferguson, Graham, Hunor, Lester, Morgan, McMichael, Patterson, Shelledy, Snyder, Taylor, Wilson, Woodworth, Wright and McCleary, Speaker.

The question was then put—"Shall the Joint Resolution pass?"

Which was decided in the affirmative:

Yeas 20; Nays 4;

The Yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Clifton, Flint, Ferguson, Graham, Hancock, Holland, Hunor, Morgan, Munger, McMichael, Patterson, Ripley, Shelledy, Snyder, Taylor, Wilson, Woodworth, Wright and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Banks, Downey, Lester and Murdock.

So the Joint resolution was passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

Mr. Downey made a motion to re-consider the vote upon the passage of

No. 58, C. File, A Bill to appoint commissioners to re-locate the county seat of Keokuk county;

Which was decided by the Chair as being out of order.

Mr. Shelledy gave notice that he would, on to-morrow or some day thereafter ask leave to introduce,

A Joint Resolution requesting our Delegate in Congress to use his best exertions to procure by an action of Congress a division of the Territory of Iowa by the 43d degree of latitude.

On motion of Mr. Browne,

The messages from the Council were taken up.

No. 49, C. File, A Bill to divorce Amelia Scanlin from her husband, Thomas Scanlin;

Was read a first time; and,

On motion of Mr. Shelledy,

The 42d rule was suspended, the bill read a second time, and,

Referred to Messrs. Ferguson, Browne and Patterson.

No. 52, C. File, A Bill to divorce Jemimah Snyder from her husband Nathaniel Snyder;



Which was read a first time.

On motion of Mr. Taylor,

The 42d rule was suspended, the bill read a second time, and,  
Referred to Messrs. Ferguson, Browne and Patterson.

No. 68, C. File, A Bill to divorce Joseph Hewett from his wife  
Jane Hewett;

Was read a first time; and,

On motion of Mr. Munger,

The 42d rule was suspended, and the bill referred to  
Messrs. Ferguson, Browne and Patterson.

No. 54, C. File, A Bill to amend an act, entitled, "An act to organ-  
ize the county of Marion;" approved, June 10th, 1845;

Was read a first time.

On motion of Mr. Downey,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Shelledy,

The 42d rule was suspended, the bill read a third time passed and  
its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 61, C. File, A Bill to incorporate the city of Du Buque;

Was read a first time.

On motion of Mr. Browne,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Morgan,

Referred to the Delegation from Du Buque, Jackson and Clayton  
counties.

No. 67, C. File, A Bill to legalize the official acts of Henry C.  
Smith, a constable in the county of Davis;

Was read a first time; and,

On motion of Mr. Wilson,

Was rejected.

No. 7, H. R. File, A memorial to Congress praying for an appro-  
priation to defray the expenses growing out of the dispute between the  
Territory of Iowa and the State of Missouri, in relation to the South-  
ern boundary line;

Having been returned from the Council with one amendment, was  
taken up, and the amendment,



On motion of Mr. Patterson,

Concurred in.

No. 31, H. R. File, A Bill to organize the county of Appanoose;  
Having been returned from the Council with amendments, which  
amendments were,

On motion of Mr. Ferguson,

Concurred in.

On motion of Mr. Morgan,

No. 15, H. R. File, A Bill to amend an act entitled, "An act to  
change the time of holding the general election;" approved 29th Jan-  
uary, 1844;

Was taken up.

Mr. Morgan made a motion, that the bill be engrossed and read a  
third time on to-morrow.

Pending which,

On motion of Mr. McCleary, (Mr. Shelledy in the chair) the bill  
was re-committed to the Judiciary committee.

On motion of Mr. Taylor.

Ordered, That the House stand adjourned until to-morrow morning  
10 o'clock.

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## TUESDAY MORNING, 10 O'CLOCK,

JANUARY 6, A. D. 1845.

Mr. Taylor presented the petition of Geo. H. Browne, and 130 oth-  
er citizens of Jones county, praying for an act for the re-location of  
the county seat of Jones county;

Which,

On motion of Mr. Wilson,

Was referred to a select committee.

Messrs. Wilson, Taylor and Snyder were appointed said committee.

Mr. Downey presented the petition of S. B. Gardener and 39 other  
citizens of Johnson and Iowa counties, praying for a Territorial road  
from Iowa City, to the Raccoon Fork of the Des Moines river;



Which,

On motion of Mr. Murdock,

Was referred to the gentleman from Johnson county.

Mr. Downey gave notice that on to-morrow, he would ask leave to introduce,

A Bill providing for the printing, publication and preservation of the decisions of the Supreme court of Iowa Territory;

Also,

A Bill to repeal an act declaring certain streets in the town of Port Allen public highways; Also,

A Bill to lay out and establish a certain Territorial road;

Mr. Banks gave notice that on to-morrow, or some future day, he would ask leave to introduce,

A memorial to Congress praying for a mail route from Knoxville Illinois, to Iowa City, *via* Bloomington.

Mr. Browne from the select committee to which was referred, No. 23, C. File, A Bill to divorce Joseph Hartley from his wife Ann Hartley.

No. 47, C. File, A Bill to divorce Phebe Elizabeth Wilkie from her husband Thomas Wilkie;

No. 49, C. File, A Bill to divorce Amelia Scanlin from her husband Thomas Scanlin;

No. 52, C. File, A Bill to divorce Jemima Snyder from her husband Nathaniel Snyder;

No. 66, C. File, A Bill to divorce certain persons therein named;

Also,

No. 68, C File, A Bill to divorce Joseph Hewett from his wife Jane Hewett;

Reported the same back to the House with the recommendation that they be passed.

Mr. Browne from the select committee to whom was referred,

No. 41, C. File, A Bill to divorce Jesse Bringham from his wife Nancy Bringham;

Reported the same back to the House with one amendment.

Mr. Shelledy made a motion to refer the bills, together with the report of the committee to a committee of the whole House, and that they be made the order of the day for to-morrow;

Which was decided in the negative.



The question was then put—"will the House concur in the report of the committee on

No. 41, C. File, A Bill to divorce Jesse Bringham from his wife, Nancy Bringham;

Which was decided in the affirmative.

Mr. Wright from the committee on Roads and Highways, to whom was referred,

No. 23, H. R. File, A Bill to relocate a part of the Territorial road from Iowa City to the seat of justice of Mahaska county;

Reported the same back to the House without amendment; Also,

No. 28, H. R. File, A Bill to amend an act entitled, "An act defining the duties of supervisors of roads and highways;" approved January 17th, 1840;

With the recommendation that the bill be indefinitely postponed,

Which report,

On motion,

Was laid on the table.

Mr. Wright from the same committee to whom was referred the petition of Moses Barton and 31 other citizens of Clinton county, praying for a repeal of the charter authorizing Elijah Buel to keep a ferry across the Mississippi river, &c.

Reported the petition back to the House with the recommendation that the same be referred to the committee on Incorporations.

Mr. Wright from the same committee to whom was referred the petition of A. P. Breckenridge, and 52 other citizens of Lee county, reported,

No. 52, H. R. File, A Bill to re-locate a certain road therein named;

Which was read a first time; and,

On motion of Mr. Patterson,

The 42d rule was suspended, the bill read a second time, and,

Ordered to be engrossed and read a third time on to-morrow.

Mr. Wright from the same committee to whom was referred the petition of B. W. Edwards and 72 others, reported,

No. 54, H. R. File, A Bill to locate a road from Brighton to Jefferson county;

Which was read a first time; and,

On motion of Mr. Shelledy,

The 42d rule was suspended, the bill read a second time; and,



Ordered to be engrossed and read a third time on to-morrow.

Mr. Wright from the same committee, to whom was referred the petition of Henry Crocker and 31 others, reported,

No. 53, H. R. File, A Bill to lay out and establish a road from Brighton, to Enos Darnell's, in Keokuk county.

Which was read a first time; and,

On motion of Mr. Shelledy,

The 42d rule was suspended, the bill read a second time, and  
Ordered to be engrossed and read a third time on to-morrow.

Mr. Taylor from the committee on Engrossed Bills, reported, that the committee had carefully examined,

No. 47, H. R. File, A Bill to re-locate a part of the Territorial road leading from West Point in Lee county, to Salem in Henry county;

And found the same correctly engrossed.

Mr. Shelledy having given previous notice, and upon leave being granted, introduced,

No. 55, H. R. File, Joint Resolution defining the northern boundary of the future State of Iowa;

Mr. Wilson made a motion to reject said resolution;

Which was decided in the affirmative.

Yeas 13; Nays 8.

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Flint, Graham, Hancock, Lester, Morgan, Munger, Murdock, McMichael, Ripley, Snyder, Taylor, Wilson and Wright.

Those who voted in the negative were—

Messrs. Banks, Clifton, Ferguson, Holland, Patterson, Shelledy, Woodworth, and McCleary, Speaker.

The following message was received from the Council by Mr. Kinney, their Secretary:

MR. SPEAKER:

I am instructed by the Council to inform the House of Representatives that the Council have passed with an amendment,

No. 51, H. R. File, Joint resolution providing for the adjournment of the Legislature, *sine die*;

In which resolution, the concurrence of the House of Representatives is requested.



No. 49, H. R. File, A Bill to amend an act entitled, "An act concerning water crafts found adrift, lost goods, and estray animals;

Was read a second time; and,

On motion of Mr. Clifton,

Ordered to be engrossed and read a third time, on to-morrow.

No. 50, C. File, A Bill to authorize the county commissioners of Jackson county to establish a survey of a road in said county.

Was read a second time; and,

On motion of Mr. Graham,

Referred to the committee on Roads and Highways.

No. 51, C. File, A Bill to establish a Territorial road from Sigourney in Keokuk county to Washington in Washington county;

Was read a second time, and,

On motion of Mr. Shelledy,

Ordered to be read a third time on to-morrow.

No. 11, C. File, A Bill to repeal an act entitled, "An act to postpone the election of members of the House of Representatives of the Territory of Iowa, from August until April;

Was read a second time.

Mr. McMichael made a motion to order the bill to a third reading on to-morrow.

Pending which,

On motion of Mr. Ferguson,

*Ordered*, That the House stand adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

A Call of the House was ordered.

On motion of Mr. Browne,

Mr. Coy was excused from the call.

Messrs. Banks, Clifton, Downey, Graham, Holland, Hunor, Morgan, Munger, Murdock, McMichael, Snyder, Taylor, Woodworth and Wright were absent.

Messrs. Hunor, Clifton, Downey, Holland, and Wright appeared and took their seats.

Mr. Ferguson made a motion to suspend the further call of the House;

Which was decided in the negative.



Messrs. Snyder, Morgan, Banks, McMichael, Taylor and Murdock appeared and took their seats.

On motion of Mr. Hancock,

The further call of the House was suspended.

No. 11, C. File; A Bill to repeal an act entitled, "An act to postpone the election of members of the House of Representatives of the Territory of Iowa, from August until April;

Having been under consideration when the House adjourned,

The question was put—"Shall the bill be read a third time on tomorrow?"

Pending which,

On motion of Mr. Downey,

The bill was laid upon the table.

The following message was then received from the Council, by Mr. Kinney, their secretary:

MR. SPEAKER:

I am directed to inform the House of Representatives, that the Council have passed,

No. 29, C. File, An act to incorporate the Maquaketa Academy, in Jackson county;

No. 60, C. File, A Bill relative to the recognisance of witnesses in criminal cases;

No. 62, C. File, A Bill amendatory of an act entitled, an act for the limitation of actions, &c., approved February 15th, 1843;

No. 63, C. File, A Bill relative to imprisonment on indictments in cases of manslaughter;

No. 64, C. File, A Bill to provide for the election of additional justices of the peace in the town of Keokuk;

No. 73, C. File, An act to amend an act entitled, "An act to establish the time of Holding the District court, in the several judicial districts in this Territory;" approved 12th February, 1844.

No. 44, C. File, A Bill to amend an act relative to proceedings in chancery, approved January 23d, 1839;

In which the concurrence of the House of Representatives is requested.

The Council have passed with an amendment—

No. 34, H. R. File, A Bill to authorize Abel Thompson to keep a ferry across the Mississippi river;

In which amendment the concurrence of the House of Representatives is requested.



I herewith present for your signature—

An act to repeal an act to authorize the board of commissioners of the county of Du Buque to levy a tax on all real and personal estate, approved May 26, 1845;

An act requiring certain officers therein named, to make their annual reports to the Executive;

An act to appoint commissioners to re-locate the county seat of Keokuk county;

An act to re-establish a part of a Territorial road vacated by an act approved Feb. 16, 1842.

No. 47, H. R. File, A Bill to re-locate a part of the Territorial road leading from West Point in Lee county, to Salem in Henry county,

Was read a third time, passed, and the title agreed to.

*Ordered*, That the Council be informed thereof.

Mr. Hancock presented the petition of Henry Bateman;

Which,

On motion of Mr. Hancock,

Was referred to a select committee.

Messrs. Hancock, Flint and Lester were appointed said committee.

Mr. Hancock presented the petition of Andrew M. Ficke, praying for a divorce from Susan Ficke, his wife;

Which,

On motion of Mr. Hancock,

Was referred to the select committee on Divorces,

On motion of Mr. Ferguson,

Mr. Hancock was added to the select committee on Divorces.

On motion of Mr. Browne,

The report from the select committee on Divorces, was taken up.

No. 23, C. File, A Bill to divorce Joseph Heartly from his wife, Ann Heartly;

Was read a second time; and,

On motion,

The 42d rule was suspended,

A call of the House was ordered.

Mr. Coy was absent.

On motion of Mr. Patterson,

The further call of the House was suspended.



The bill was then read a third time, passed, and its title agreed to.

Yeas 16; Nays 8;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Clifton, Downey, Flint, Ferguson, Graham, Hancock, Holland, Hunor, Lester, Morgan, Munger, Patterson, Ripley, Taylor and Wright,

Those who voted in the negative, were—

Messrs. Banks, Murdock, McMichael, Shelledy, Snyder, Wilson, Woodworth and McCleary, Speaker.

No. 41, C. File, A Bill to divorce William H. Evans from his wife, Rachel Evans;

Was read a second time.

On motion,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 68, C. File, A Bill to divorce Joseph Hewett from his wife Jane Hewett;

Was read a second time; and,

On motion of Mr. Browne,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 49, C. File, A Bill to divorce Amelia Scanlin from her husband Thomas Scanlin;

Was read a second time, and,

On motion of Mr. Clifton,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 52, C. File, A Bill to divorce Jemimah Snyder from her husband Nathaniel Snyder;

Was read a second time; and,

On motion of Mr. Taylor,

The 42d rule was suspended, the bill read a third time passed and its title agreed to.

*Ordered*, That the Council be informed thereof.



No. 66, C. File, A Bill to divorce certain persons therein named;

Was read a second time, and,

On motion of Mr. Morgan,

The 42d rule was suspended, and the bill read a third time, passed and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 47, C. File, A Bill to divorce Phebe Elizabeth Wilkie from her husband Thomas Wilkie;

Was read a second time; and,

On motion of Mr. Browne,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

Mr. Patterson, upon the suspension of the 41st rule, introduced,

No. 56, H. R. File, Joint Resolution asking an appropriation for a bridge on Skunk river at Lowell's, in Henry county Iowa;

Which was read a first time; and,

On motion of Mr. Patterson.

The 42d rule was suspended, the bill read a second time, and,

*Ordered* to a third reading on to-morrow.

On motion of Mr. Murdock,

No. 51, H. R. File, Joint resolution providing for the adjournment of the Legislature, *sine die*;

Was taken from the table.

A call of the House was ordered.

Messrs. Coy and Downey were absent.

On motion of Mr. Browne,

Mr. Coy was excused from the call.

Mr. Downey appeared and took his seat.

On motion of Mr. Browne,

The further call of the House was suspended.

Mr. Browne made a motion to disagree to the amendment made by the Council to said bill;

Which was decided in the affirmative.

Yeas 17; Nays 7.

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—



Messrs. Browne, Clifton, Downey, Flint Graham, Hancock, Holland, Hunor, Morgan, Munger, McMichael, Patterson, Ripley, Snyder, Taylor, Wright and McCleary, Speaker.

Those who voted in the negative were—

Messrs. Banks, Ferguson, Lester, Murdock, Shelledy, Wilson and Woodworth.

On motion of Mr. Morgan,

Ordered, That the House stand adjourned until to-morrow morning at 10 o'clock.

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WEDNESDAY MORNING, 10 O'CLOCK,

JANUARY 7, A. D. 1846.

Mr. Wright presented the petition of John Henderson, and 90 other citizens of Des Moines county, praying for the location of a Territorial road from Wapello, in Louisa county, to Augusta, in Des Moines county.

Mr. Speaker presented the petition of William McClure and 52 other citizens of Louisa county, praying for a Territorial road from Wapello in Louisa county, to Augusta, in Des Moines county.

Which petitions,

On motion of Mr. Ripley,

Were referred to the committee on Roads and Highways.

Mr. Woodworth presented the petition of Thomas Wright and 9 other citizens of Jefferson and Henry counties, praying for a re-location of part of the Territorial road from Glasgow, in Jefferson county, to Wilson's mills, in Henry county;

Which,

On motion of Mr. Woodworth,

Was referred to the delegation from Henry county.

Mr. Browne gave notice that on to-morrow, or some day thereafter, as soon as practicable, he would ask leave to introduce,

A Bill to amend an act entitled, "An act relative to divorce, alimony, and other purposes;"



Mr. Taylor from the committee on Engrossed Bills, to whom was referred,

No. 24, H. R. File, A Bill to regulate the right of dower and the assignment thereof;

No. 49, H. R. File, A Bill to amend an act entitled an act concerning water crafts found adrift, lost goods, and estray animals;

No. 52, H. R. File, A Bill to re-locate a certain road therein named;

No. 53, H. R. File, A Bill to lay out and establish a road from Brighton, to Enos Darnell's, in Keokuk county.

Also,

No. 54, H. R. File, A Bill to locate a road from Brighton to Jefferson county;

Reported that they had carefully examined the same, and found them correctly engrossed.

No. 29, C. File, A Bill to incorporate the Maquaketa Academy, in Jackson county;

Was read a first time.

On motion of Mr. Browne,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Graham,

Referred to the committee on Incorporations.

No. 60, C. File, A Bill relative to the recognisance of witnesses in criminal cases;

Was read a first time.

On motion of Mr. Browne,

The 42d rule was suspended, the bill read a second time, and,

Referred to the committee on the Judiciary.

No. 62, C. File, A Bill amendatory of an act entitled, an act for the limitation of actions, &c., approved February 15th, 1843;

Was read a first time.

On motion of Mr. Patterson,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Murdock,

Referred to the committee on the Judiciary.

No. 63, C. File, A Bill relative to imprisonment on indictments in cases of manslaughter;

Was read a first time;



Mr. Browne made a motion to reject the bill;  
Which was decided in the negative.

Yeas 8; Nays 12;

The Yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Downey, Munger, McMichael, Patterson, Ripley, Wilson and Woodworth.

Those who voted in the negative, were—

Messrs. Banks, Clifton, Flint, Ferguson, Graham, Holland, Lester, Murdock, Shelledy, Taylor, Wright and McCleary, Speaker.

On motion of Mr. Shelledy,

The bill was referred to the committee on the Judiciary.

No. 64, C. File, A Bill to provide for the election of additional justices of the peace in the town of Keokuk;

Was read a first time;

On motion of Mr. Browne,

The 42d rule was suspended, the bill read a second time; and,  
Referred to a select committee.

Messrs. Browne, Patterson and Hunor were appointed said committee.

No. 73, C. File, An act to amend an act entitled, "An act to establish the time of Holding the District court, in the several judicial districts in this Territory;" approved 12th February, 1844.

Was read a first time.

On motion of Mr. Murdock,

The 42d rule was suspended, the bill read a second time, and

On motion of Mr. Shelledy,

Referred to the Delegations from Du Buque, Clayton and Jackson counties.

No. 74, C. File, A Bill to amend an act relative to proceedings in chancery, approved January 23d, 1839;

Was read a first time.

On motion of Mr. Munger,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Browne,

Referred to the committee on the Judiciary.



No. 34, H. R. File, A Bill to authorize Abel Thompson to keep a ferry across the Mississippi river;

Having been returned from the Council with one amendment, was taken up; and,

On motion of Mr. Browne,

The amendment was agreed to.

On motion of Mr. Browne,

Ordered, That the House stand adjourned until to-morrow morning 10 o'clock.

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### THURSDAY MORNING, 10, O'CLOCK,

JANUARY 8, A. D. 1846.

The following message was received from the Council, by Mr. Kinney their Secretary:

MR. SPEAKER:—

I am instructed by the Council to inform the House of Representatives that the Council have passed,

No. 70, C. File, A Bill for an act to authorize the Clerk of the District court for the county of Van Buren to transcribe the records of said court;

No. 71, C. File; A Bill for an act supplementary to an act entitled, "An act to preserve good order in all worshiping congregations in this Territory;" approved, January 4th, 1839;

No. 75, C. File, A Bill to re-locate a Territorial road from Fairfield, in Jefferson county, to Agency City, in Wappelo county;

No. 76, C. File, A Bill to establish a Territorial road from the Cedar rapids, to the forks of Cedar river, in Black Hawk county;

No. 81, C. File, A Bill for an act to authorize the clerk of the district court for the county of Lee to transcribe the records of said court;

In which the concurrence of the House of Representatives is requested.

The Council have passed—

No. 22, H. R. File, A Bill to establish a Territorial road in the counties of Jones and Delaware.



No. 45, H. R. File, A Bill to legalize the acts of Henry C. Smith.  
I herewith present for your signature—

An act to amend an act entitled, "An act to organize the county of Marion," approved June 10th, 1845.

An act to establish and confirm an alteration in the Wyoming road;  
A Memorial to Congress for an appropriation to improve the navigation of the Des Moines river;

Mr. Downey presented the account of Jeremiah Hughes, for 4 years subscription to Nile's Register, from March 1842, to March 1846, at the rate of \$5 per year;

Amount,	\$20 00
Also, of William Greene, for binding 8 volumes of Nile's National Register,	10 00
Postage on the same,	3 12
Total amount,	<hr/> \$33 12
Which,	

On motion of Mr. Downey,

Was referred to the committee on Claims.

Mr. McMichael gave notice that on to-morrow, he would ask leave to introduce,

A Bill to alter and amend an act regulating grocery license, approved January 4th, 1840;

Mr. Downey from the committee on Claims, to whom was referred the account of Peter Conboy, for cleaning the basement and halls of the Capitol, previous to the meeting of the Legislature in December last,

Reported the following resolution:

*Resolved*, That the Secretary of the Territory be instructed to pay Peter Conboy the sum of \$11,00, for 11 days work about the Capitol.

Mr. Murdock made a motion to strike out "11,00" and insert "\$16,50;

Which was decided in the negative.

On motion of Mr. Downey,

The resolution was adopted.

Mr. Morgan from the Judiciary committee, to whom was referred,

No. 35, H. R. File, A Bill to provide for the payment of costs and fees in cases where crimes and offences have been committed by the Indians.

Reported the same back to the House without amendment.

Mr. Browne from the select committee to whom was referred,



No. 20, C. File, A Bill to establish a Territorial road from Fort Madison, in Lee county, to Mount Pleasant, in Henry county;

Reported the same back to the House, with one amendment.

Mr. Browne from the select committee to whom was referred,

No. 21, C. File, A Bill to establish a Territorial road from Franklin, in Lee county, to Mount Pleasant, in Henry county;

Reported the same back to the House without amendment.

Mr. Hancock from the select committee to whom was referred the petition of Samuel C. Reed of Van Buren county, praying compensation for losses sustained during the dispute with Missouri relative to the southern boundary, reported,

No. 42, H. R. File, A Bill for the relief of Samuel C. Reed;

Which was read a first time.

Mr. Shelledy made a motion to refer the bill to the committee on Claims;

Which was decided in the negative;

On motion of Mr. Murdock,

The bill was ordered to be engrossed and read a third time on to-morrow.

Mr. Hancock from the select committee to whom was referred the petition of Andrew M. Ficke for a divorce from his wife, Susan Ficke, reported,

No. 57, H. R. File, A Bill to divorce Andrew M. Ficke of the county of Van Buren, from his wife, Susan Ficke;

Which was read a first time.

On motion of Mr. Munger,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Browne,

Considered, engrossed, and ordered to a third reading on to-morrow.

Mr. Downey to whom was referred the petition praying for a Territorial road from Iowa City, to the Raccoon Forks, reported,

No. 58, H. R. File, A Bill to lay out and establish a Territorial road from Iowa City, *via* the county seat of Iowa county, thence in the direction of the Raccoon Forks of the Des Moines river.

Which was read a first time.

On motion of Mr. Downey,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Flint,



The bill was referred to the committee on Roads and Highways, with instructions.

Mr. Wright from the committee on Roads and Highways, to whom was referred,

No. 48, H. R. File, A Bill to re-locate a Territorial road from Otumwa, in Wappelo county, to Bloomfield, in Davis county;

Reported the same back to the House, with the recommendation that the bill be passed.

Mr. Wright, from the same committee to whom was referred,

No. 50, H. R. File, A Bill to alter and amend an act to provide for levying a tax on real and personal property for road purposes;

Reported the same back to the House, with the recommendation that the bill be indefinitely postponed.

Mr. Wright, from the same committee, to whom was referred the petition of William H. Chambers and 21 other citizens of Muscatine county, reported,

No. 59, H. R. File, A Bill to establish a Territorial road therein named;

Which was read a first time.

On motion of Mr. Banks,

The 42d rule was suspended, the bill read a second time, considered engrossed, and

Ordered to be read a third time on to-morrow.

Mr. Ripley, having given previous notice, and upon leave being granted, introduced,

No. 60, H. R. File, A Bill to establish a perch of mason work in the Territory of Iowa;

Which was read a first time.

Mr. Murdock from the committee of Conference on the part of the House, appointed to act in conjunction with a similar committee on the part of the Council, on the disagreeing vote of the two Houses on the amendment of the Council to

No. 5, H. R. File, A Bill to authorize James McGregor, jr., to keep a ferry across the Mississippi river in Clayton county;

Reported that said committee have had the same under consideration, and instructed him to report that the House recommend the Council to recede from their amendment.

Mr. Morgan, upon the suspension of the 41st rule, introduced,

No. 62, H. R. File, A Bill in relation to limited partnership;



On motion of Mr. Morgan,

The 42d rule was suspended, the bill read a second time; and,  
Referred to a select committee of one member from each electoral district.

Messrs. Morgan, Murdock, Graham, Taylor, Banks, Coy, Shelledy, Hunor, Ferguson, Flint, Munger and Downey, were appointed said committee.

Mr. Downey having given previous notice, and upon leave being granted, introduced,

No. 63, H. R. File, A Bill to provide for the printing, publication and preservation of the decisions of the Supreme court of Iowa Territory;

Waich was read a first time.

Oh motion of Mr. Shelledy,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Downey,

Referred to the committee on the Judiciary.

Mr. Browne having given previous notice, and upon leave being granted, introduced,

No. 64, H. R. File, A Bill to amend an act entitled, "An act relative to divorce, alimony, and other purposes;"

Which was read a first time; and,

On motion of Mr. Browne,

The 42d rule was suspended, the bill read a second time; and,

Referred to the committee on the Judiciary.

Mr. Wilson having given previous notice, and upon leave being granted, introduced,

No. 65, H. R. File, A Bill to provide for an expression of an opinion of the citizens of Du Buque county, for and against township organization;

Which was read a first time.

On motion of Mr. Clifton,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Hancock,

The 42d rule was suspended, the bill read a third time passed and its title agreed to.

*Ordered*, That the Council be informed thereof:

No. 54, H. R. File, A Bill to re-locate a road from Brighton to Jefferson county;



Was read a second time.

On motion of Mr. Shelledy,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 23, H. R. File, A Bill to re-locate a part of the Territorial road from Iowa city, to the seat of justice of Mahaska county;

Was taken up.

On motion of Mr. Taylor,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 52, H. R. File, A Bill to re-locate a certain road therein named;

Was read a third time, passed, and the title agreed to.

*Ordered*, That the Council be informed thereof.

No. 24, H. R. File, A Bill to regulate the right of dower and the assignment thereof;

Was read a third time;

On motion of Mr. Shelledy,

*Ordered*, That the bill be laid upon the table.

No. 53, H. R. File, A Bill to lay out and establish a road from Brighton, to Enos Darnell's, in Keokuk county.

Was read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 49, H. R. File, A Bill to amend an act entitled an act concerning water crafts found adrift, lost goods, and estray animals;

Was read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 25, C. File, A Bill to restrain unauthorized banking;

Being the order of the day, was considered in committee of the whole House, (Mr. Patterson in the chair,) after some time spent therein,

Mr. Speaker resumed the chair, and the chairman reported that the committee had, according to order, had the same under consideration, and instructed him to report the bill back to the House, with all stricken out after the enacting clause.

A call of the House was ordered.

Messrs. Coy, Hancock, Morgan, Munger and Snyder were absent.

On motion of Mr. Shelledy,



Messrs. Coy and Snyder were excused.

Mr. Clifton made a motion to suspend the further call of the House;  
Which was decided in the negative.

Messrs. Hancock, Munger and Morgan appeared and took their seats.

On motion of Mr. Downey,

The further call of the House was suspended.

The question was then put—"Shall the House concur in the amendment of the committee?"

Which was decided in the negative.

Yeas 9; Nays 14.

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Browne, Clifton, Downey, Munger, Murdock, McMichael, Ripley, Shelledy and Woodworth.

Those who voted in the negative were—

Messrs. Banks, Flint, Ferguson, Graham, Hancock, Holland, Hunor, Lester, Morgan, Patterson, Taylor, Wilson, Wright and McCleary, Speaker.

Mr. Patterson made a motion to lay the bill upon the table;

Which was decided in the negative.

Yeas 9; Nays 14;

The Yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Clifton, Downey, Holland, Munger, Murdock, Patterson, Shelledy and Woodworth.

Those who voted in the negative, were—

Messrs. Banks, Flint, Ferguson, Graham, Hancock, Hunor, Lester, Morgan, McMichael, Ripley, Taylor, Wilson, Wright and McCleary, Speaker.

Mr. Murdock made a motion to indefinitely postpone the bill;

Which was decided in the negative.

Yeas 8; Nays 15;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Clifton, Downey, Holland, Munger, Murdock, Shelledy and Woodworth.



Those who voted in the negative, were—

Messrs. Banks, Flint, Ferguson, Graham, Hancock, Hunor, Lester, Morgan, McMichael, Patterson, Ripley, Taylor, Wilson, Wright and McCleary, Speaker.

On motion of Mr. Wilson,

The 42d rule was suspended, and, the bill read a second time.

On motion of Mr. Wilson,

The bill was ordered to a third reading on to-morrow.

On motion of Mr. Clifton,

*Ordered*, That the House stand adjourned until to-morrow morning at 10 o'clock.

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### FRIDAY MORNING, 10 O'CLOCK.

JANUARY 9th, A. D. 1846.

The following message was received from the Council, by Mr. Kinney their Secretary:

MR. SPEAKER:—

I am instructed by the Council to inform the House of Representatives that the Council have passed,

No. 85, C. File, A Bill to vacate a part of the town of Rockingham; In which the concurrence of the House of Representatives is requested.

The Council have passed—

No. 39, H. R. File, A Bill to authorize the board of Commissioners of Clayton county to change the name of Jacksonville, in said county;

No. 43, H. R. File, A Bill defining the term of office of constables.

The Council have insisted on their amendment to

No. 51, H. R. File, Joint resolution providing for the adjournment of the Legislature, *sine die*;

The Council have disagreed to the report of the committee of conference appointed upon the disagreeing vote of the two Houses on,

No. 5, H. R. File, A Bill to authorize James McGregor, jr., to keep a ferry across the Mississippi river.

Mr. Shelledy presented the petition of Hiram H. Lewis, and 44



other citizens of the western part of Iowa, praying for a road from Iowa City westward through the several seats of justice of the counties west of Johnson, to the Des Moines river at the Raccoon Forks, in the direction of the Council Bluffs;

Which,

On motion of Mr. Shelledy,

Was referred to the committee on Roads and Highways.

Mr. Shelledy presented the petition of John Taylor, and 94 other citizens of the newly acquired district which lies west of Powashiek county, asking for a new county.

Mr. Shelledy presented the petition of Robert Warner and 15 other citizens of the new purchase praying for a new county;

Which petitions were referred to the committee on new counties.

Mr. Lester presented the petition of Thomas Bare and 40 other citizens, praying for a Territorial road from Ottumwa to Ritches' mills;

Which,

On motion of Mr. Flint,

Was referred to the committee on Roads and Highways.

Mr. Downey gave notice that on to-morrow, or some day thereafter, he would ask leave to introduce,

A Bill to amend an act to provide for the payment of the debt due to the Miner's Bank of Du Buque.

Mr. Downey gave notice that, on to-morrow or some other day, he would ask leave to introduce,

A Joint Resolution; Also,

A Bill to legalize the assessment of taxes for Iowa county.

Mr. Taylor from the committee on Incorporations, to whom was referred,

No. 29, C. File, A Bill to incorporate the Maquaketa Academy, in Jackson county;

Reported the same back to the House, with the recommendation that the bill be passed.

Mr. Shelledy from the committee on new counties, to whom was referred,

No. 30, H. R. File, A Bill for the organization of new counties;

Reported the same back to the House, with sundry amendments.

Which report,

On motion of Mr. Shelledy,



Was re-committed to the committee on New Counties.

Mr. Wilson from the committee on Territorial Affairs, to whom was referred,

No. 40, H. R. File, Preamble and Joint Resolution, instructing our Delegate in Congress to use his influence to procure an increase of mail facilities upon routes No. 4228, and No. 4503;

Reported the same back to the House, without amendment.

Mr. Wilson, from the same committee to whom was referred,

✓ No. 14, H. R. File, A Bill to provide for the election of delegates to form a constitution for the government of the State of Iowa;

Reported the same back to the House without amendment.

Mr. Munger from the Judiciary committee to whom was referred,

No. 63, C. File, A Bill relative to imprisonment on indictments in cases of manslaughter;

Reported the same back to the House, with the recommendation that the bill be indefinitely postponed.

Mr. Morgan, from the Judiciary committee to whom was referred,

No. 18, H. R. File, A Bill to provide for the apprehension of criminals, and for the suppression of crimes and misdemeanors;

Reported the same back to the House, without amendment.

Mr. Morgan from the same committee, to whom was referred the petition of sundry citizens of Van Buren county, praying an alteration in the present township organization law, made the following report:

We, the committee have had said petition under consideration, and deem it inexpedient to take any further action in relation to the subject.

Mr. Morgan from the committee on Enrolments, reported the following acts as correctly enroled:

Memorial in regard to the reserved mineral lands;

An act to authorize Edmund C. Whipple & Co., to establish and keep a ferry across the Iowa and Cedar rivers, at the junction of said rivers;

A memorial to Congress praying an appropriation for the construction of a public wharf, at the town of Keokuk;

An act to vacate a part of the Territorial road from Wyoming to Moscow;

An act to lay out and establish a Territorial road from Oskaloosa to Knoxville;



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Also, memmorial to Congress for an appropriation to continue the military road leading from Burlington to Agency City.

Which were signed by the Speaker of the House of representatives.

Mr. Wilson from the select committee to whom was referred the petition of George Browne, and 130 other citizens of Jones county, praying for the re-location of the county seat of Jones county, reported No. 62, H. R. File, A Bill providing for the re-location of the county seat of Jones county;

Which was read a first time.

Mr. Wilson, from the select committee to whom was referred, No. 61, C. File, A Bill to incorporate the city of Du Buque; Reported the same back to the House, with one amendment.

Mr. Morgan, upon the suspension of the 41st rule, introduced, No. 63, H. R. File, A Bill concerning costs;

Which was read a first time.

On motion of Mr. Morgan,

The 42d rule was suspended, the bill read a second time, and, Referred to the committee on the Judiciary.

No. 70, C. File, A Bill for an act to authorize the Clerk of the District court for the county of Van Buren to transcribe the records of said court;

Was read a first time;

No. 71, C. File; A Bill for an act supplementary to an act entitled, "An act to preserve good order in all worshipping congregations in this Territory;" approved, January 4th, 1839;

Was read a first time;

On motion of Mr. Browne,

The 42d rule was suspended, the bill read a second time, and

Referred to a committee of the whole House, and made the order of the day for to-morrow.

No. 75, C. File, A Bill to re-locate a Territorial road from Fairfield, in Jefferson county, to Agency City, in Wappelo county;

Was read a first time.

No. 76, C. File, A Bill to establish a Territorial road from the Cedar rapids, to the forks of Cedar river, in Black Hawk county;

Was read a first time.

On motion of Mr. Munger,



The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Wilson,

The bill was referred to the delegations from Du Buque, Clayton, Cedar, Linn and Jones counties.

Mr. Shelledy, upon the suspension of the 41st rule, introduced,

No. 64, H. R. File, A Joint resolution;

Which was read a first time; and,

On motion of Mr. Browne,

The Joint resolution was laid upon the table.

Mr. Patterson, upon the suspension of the 41st rule, introduced,

No. 65, H. R. File, Joint resolution providing for the printing of the laws;

Which was read the first time.

On motion of Mr. Murdock,

The 42d rule was suspended, the bill read a second time, and,

Mr. Patterson made a motion that the Joint Resolution be engrossed, and read a third time on to-morrow.

Pending which,

Mr. Banks made a motion to lay the joint resolution upon the table;

Which was decided in the negative.

Mr. Shelledy made a motion to strike out "Messrs. Palmers," and insert "Waters, & Co., of Bloomington;"

A call of the House was ordered.

Messrs. Coy, Holland and Snyder were absent.

On motion of Mr. Graham,

Messrs. Coy and Snyder were excused.

Mr. Holland appeared and took his seat; and,

On motion,

A further call of the House was suspended.

The question was then put upon the amendment;

Pending which,

Mr. Hancock made a motion to lay the bill upon the table;

Which was decided in the negative.

Yeas 9; Nays 14.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Banks, Clifton, Downey, Flint, Hancock, Hunor, Lester, Munger and Shelledy.



Those who voted in the negative, were—

Messrs. Browne, Ferguson, Graham, Holland, Morgan, Murdock, McMichael, Patterson, Ripley, Taylor, Wilson, Woodworth, Wright and McCleary, Speaker.

The question was then put upon striking out;

Which was decided in the negative.

Yeas 11; Nays 12.

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Banks, Browne, Clifton, Downey, Flint, Holland, Hunor, Lester, Munger, Shelledy and Woodworth.

Those who voted in the negative were—

Messrs. Ferguson, Graham, Hancock, Morgan, Murdock, McMichael, Patterson, Ripley, Taylor, Wilson, Wright and McCleary, Speaker.

Mr. Browne made a motion to strike out Messrs. "Palmer, of the Capitol Reporter," and insert, "Mr. Espy of the Lee county Democrat."

A division of the question was called for, and ordered.

Mr. Morgan made a motion to lay the joint resolution upon the table.

Which was decided in the affirmative;

No. 35, H. R. File, A Bill to provide for the payment of costs and fees in cases where crimes and offences have been committed by the Indians.

Was read a second time.

Mr. Murdock made a motion to engross the bill, and that it be ordered to a third reading on to-morrow.

Pending which,

Mr. Ferguson made a motion to lay the bill upon the table;

Which was decided in the affirmative.

Yeas 14; Nays 9;

The Yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Banks, Browne, Clifton, Ferguson, Graham, Holland, Lester, Morgan, Munger, McMichael, Patterson, Ripley, Woodworth and Wright.

Those who voted in the negative, were—



Messrs. Downey, Flint, Hancock, Hunor, Murdock, Shelledy Taylor, Wilson, and McCleary, Speaker.

No. 20, C. File, A Bill to establish a Territorial road from Fort Madison, in Lee county, to Mount Pleasant, in Henry county;

Came up on the amendment of the committee; which was concurred in by the House.

On motion of Mr. Browne,

The 42d rule was suspended, the bill read a third time passed and its title agreed to.

*Ordered*, That the Council be informed thereof.

Mr. Murdock made a motion, that the House adjourn;

Which was decided in the negative.

Yeas 5; Nays 18;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Clifton, Flint, Murdock, Patterson, and Wright.

Those who voted in the negative, were—

Messrs. Banks, Browne, Downey, Ferguson, Graham, Hancock, Holland, Hunor, Lester, Morgan, Munger, McMichael, Ripley, Shelledy, Taylor, Wilson, Woodworth and McCleary, Speaker.

No. 21, C. File, A Bill to establish a Territorial road from Franklin, in Lee county, to Mount Pleasant, in Henry county;

Having been returned from the committee, with the recommendation that the bill be indefinitely postponed;

Was taken up; and,

On motion of Mr. Patterson,

Laid upon the table.

No. 48, H. R. File, A Bill to re-locate a Territorial road from Otumwa, in Wappelo county, to Bloomfield, in Davis county;

Was read a second time; and,

On motion of Mr. Clifton,

Was engrossed, and ordered to a third reading on to-morrow.

No. 60, H. R. File, A Bill to establish a perch of mason work in the Territory of Iowa;

Was taken up; and,

On motion of Mr. Patterson,

Ordered to be engrossed, and read a third time on to-morrow.



On motion of Mr. Clifton,

*Ordered*, That the House stand adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

No. 15, C. File, A Bill supplementary to an act entitled, "An act, regulating the mode of taking depositions, and to provide for the perpetuation of testimony;

Having been reported back from the committee, with one amendment,  
Was taken up; and,

The amendment concurred in by the House.

On motion of Mr. Hancock,

The bill was ordered to a third reading on to-morrow.

No. 29, C. File, A Bill to incorporate the Maquoketa academy, in Jackson county;

Was read a second time; and,

On motion of Mr. Taylor,

*Ordered* to a third reading on to-morrow.

No. 50, H. R. File, A Bill to alter and amend an act to provide for levying a tax on real and personal property for road purposes;

Having been reported back to the House with the recommendation that the bill be indefinitely postponed,

Was taken up.

Mr. McMichael made a motion that the House disagree to the amendment.

Pending which,

On motion of Mr. Patterson,

The bill was laid on the table.

No. 61, H. R. File, A Bill for the relief of Samuel C. Reed;

Was read a third time;

A call of the House was ordered.

Messrs. Coy, Downey, Morgan, Munger and Snyder were absent.

On motion of Mr. Taylor,

The further call of the House was suspended.

The question was then put—"Shall the bill pass?"

Which was decided in the affirmative.

So the bill was passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.



No. 57, H. R. File, A Bill to divorce Andrew M. Ficke of the county of Van Buren, from his wife, Susan Ficke;

Was read a third time, passed, and the title agreed to.

*Ordered*, That the Council be informed thereof.

No. 59, H. R. File, A Bill to establish a Territorial road therein named;

Was read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 25, C. File, A Bill to restrain unauthorized banking;

Was read a third time; and,

On motion of Mr. Murdock,

*Ordered* to lie upon the table.

No. 42, C. File, A Bill to amend an act, entitled, "An act to incorporate the town of Bloomington," approved January 23d, 1839;

Was read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 51, C. File, A Bill to establish a Territorial road from Sigmourney, in Keokuk county, to Washington, in Washington county;

Was read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

Mr. Speaker presented a communication from His Excellency, Gov. Clarke;

Which,

On motion of Mr. Browne,

Was referred to a committee of one member from each electoral district; and,

Mr. Morgan was appointed chairman of said committee.

Messrs. Morgan, Browne, Lester, Flint, Woodworth, Shelledy, Banks, Downey, Taylor, Graham and Murdock, were appointed said committee.

On motion of Mr. Ferguson,

The usual number of copies of the Governor's communication was ordered to be printed.

Mr. Morgan gave notice that on to-morrow, or some day thereafter, he would ask leave to introduce,

A Bill to amend an act entitled, "An act relative to the probate of wills, executors, administrators, guardians, trustees of minors, and probate courts, and for defining their duties," approved, February 13, 1843;



No. 61, C. File, A Bill to incorporate the city of Du Buque;

Having been reported back to the House with the following amendment:

"Add to section 15th, of said bill, the following proviso:

"Provided, That nothing in this section contained, shall be so construed as to either increase or diminish any rights of Timothy Fanning of said city, but the same shall be, and remain as heretofore established;"

Was taken up.

Mr. Munger offered the following as a substitute:

"Provided, That no power herein granted to said city council, shall be so construed as to impair, interfere with, or in any way affect any right or rights now existing by virtue of any acts heretofore passed by the Legislative authority of this Territory, establishing ferries across the Mississippi river, opposite the town of Du Buque, in Du Buque county."

The question was then put upon the substitute of Mr. Munger:

Yeas 13; Nays 11;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Banks, Browne, Clifton, Downey, Holland, Hunor, Morgan, Munger, Patterson, Ripley, Shelledy, Woodworth and Wright.

Those who voted in the negative, were—

Messrs. Flint, Ferguson, Graham, Hancock, Lester, Murdock, McMichael, Taylor, Wilson and McCleary, Speaker.

On motion of Mr. Murdock,

Ordered, that the bill lie upon the table.

The following messages were received from the Council by Mr. Kinney, their Secretary:

MR. SPEAKER:

I herewith present for your signature—

An act to divorce Amelia Scanlin from her husband Thomas Scanlin;

An act to divorce Joseph Hartly from his wife Ann Hartly;

An act to divorce Joseph Hewett from his wife Jane Hewett;

An act to divorce Phebe Elizabeth Wilkie from her husband Thomas Wilkie;

An act to divorce Jemima Snyder from her husband Nathaniel Snyder; And,



An act to divorce certain persons therein named.

And then he withdrew.

Said acts were then signed by the Speaker of the House of Representatives.

MR. SPEAKER:

I am directed to inform the House of Representatives, that the Council have passed,

No. 83, C. File, Joint resolution for the payment of James D. Bourne;

No. 84, C. File, A Bill to change the name of the town of Charleston, in Jackson county;

No. 88, C File, A Bill for the relief of John H. McKinney;

No. 89, C. File, A Bill to authorize the Clerk of the District court of Jackson county, to transcribe the records of said court.

On motion of Mr. Taylor,

*Ordered*, That the House stand adjourned until to-morrow morning at 10 o'clock.

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### SATURDAY MONING, 10 O'CLOCK.

JANUARY 10th, A. D. 1846.

Mr. Taylor, from the committee on Engrossed Bills, Reported that said committee had carefully examined,

No. 48, H. R. File, A Bill to locate a Territorial road from Ottumwa, in Wapello county, to Bloomfield, in Davis county;

Also,

No. 60, H. R. File, A Bill to establish a perch of Mason work in the Territory of Iowa;

And found them correctly engrossed.

Mr. Wright, from the committee on Roads and Highways to whom was referred,

No. 50, C. File, A Bill to authorize the county commissioners of Jackson county to establish the survey of a road in said county;

Reported the bill back to the House, with the recommendation that the same be passed.



Mr. Wright from the same committee, to whom was referred, the petition of Mitchel D. Wright and sundry other citizens of Lee county praying an alteration of the Territorial road from Keokuk to Farmington; reported

No. 66, H. R. File, A Bill to re-locate a Territorial road therein named;

Which was read a first time.

On motion of Mr. Patterson,

The 42d rule was suspended, the bill read a second and third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

Mr. Wright from the same committee, to whom was referred the petition of John Henderson, and 90 other citizens of Des Moines and Louisa counties. Also, the petition of William McClure and 52 other citizens of Louisa and Des Moines counties, praying for a territorial road from Wapello, in Louisa county, to Augusta in Des Moines county; reported,

No. 67, H. R. File, A Bill to locate a Territorial road from Wapello in Louisa county, to Augusta, in Des Moines county;

Which was read a first time.

On motion of Mr. Ripley,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Downey,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

*Ordered*, That the Council be informed thereof.

Mr. Wright from the same committee, to whom was referred the petition of Hiram H. Lewis and 44 others; reported,

No. 68, H. R. File, A Bill to lay out and establish a Territorial road from Iowa City to Fort Des Moines;

Which was read a first time.

On motion of Mr. Downey,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Clifton,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

The following message was received from the Council by Mr. Kinney their Secretary.



MR. SPEAKER:—

I am instructed by the Council to inform the House of Representatives that the Council have agreed to the amendment of the House to No. 41, C. File, A Bill to divorce Jesse Bringham from his wife Nancy Bringham;

The Council have passed—

No. 47, H. R. File, A Bill to re-locate a part of the Territorial road leading from West Point, in Lee county, to Salem, in Henry county;

Mr. Shelledy from the committee on New Counties, to whom was re-committed,

No. 30, H. R. File, A Bill for the organization of new counties; Reported the same back to the House with sundry amendments;

Which,

On motion of Mr. Shelledy,

Was referred to a committee of the whole House, and made the order of the day for this afternoon.

Mr. Morgan from the committee on Enrolments, reported as correctly enroled, the following:

Memorial to Congress for an appropriation to continue the military road leading from Burlington to Agency City;

Also,

An act for the organization of the county of Appanoose;

Which were signed by the Speaker of the House of Representatives.

Mr. Downey having given previous notice, and upon leave being granted, introduced,

No. 69, H. R. File, Joint Resolution providing for a set of seals; Which was read a first time.

On motion of Mr. Clifton,

The 42d rule was suspended, the resolution read a second time; and,

On motion of Mr. Shelledy,

The bill was referred to a select committee.

Messrs. Shelledy Downey and Flint were appointed said committee.

Mr. Downey having given previous notice, and upon leave being granted, introduced,

No. 70, H. R. File, A Bill to legalize the assessment for Iowa county;



Which was read a first time.

On motion of Mr. Downey,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Clifton,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

Mr. Morgan having given previous notice, and upon leave being granted, introduced,

No. 71, H. R. File, An act to amend an act entitled, "An act relative to the probate of wills, executors, administrators, guardians, trustees of minors, and probate courts, and for defining their duties;" approved February 13th, 1843;

Which was read a first time.

Mr. Wilson having given previous notice, and upon leave being granted, introduced,

No. 72, H. R. File, A Bill declaring a road herein named, to be a Territorial road;

Which was read a first time.

On motion of Mr. Downey,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Taylor,

The 42d rule was suspended, the bill read a third time passed and its title agreed to.

*Ordered*, That the Council be informed thereof.

Mr. Downey having given previous notice, and upon leave being granted, introduced,

Fo. 73, H. R. File, A Bill supplemental to an act to provide for the payment of the debt due to the Miner's Bank of Du Buque, approved, June 10th, 1845;

Which was read a first time.

On motion of Mr. Wilson,

The 42d rule was suspended, the bill read a second time, and

On motion of Mr. Taylor,

Referred to the committee on the Judiciary.

Mr. Downey, upon the suspension of the 41st rule, introduced,

No. 74, H. R. File, Joint resolution relative to mail routes;



Which was read a first time.

On motion of Mr. Wilson,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Patterson,

The 42d rule was suspended, and the bill read a third time, passed and its title agreed to.

*Ordered*, That the Council be informed thereof.

Mr. Brown made a motion to suspend the 42d rule for the remainder of this session;

Which was decided in the negative.

The messages from the Council were taken up.

No. 83, C. File, Joint resolution for the payment of James D. Bourne;

Was read a first time;

On motion of Mr. Browne,

The 42d rule was suspended, the bill read a second time; and,  
Laid upon the table.

No. 84, C. File, A Bill to change the name of the town of Charleston, in Jackson county;

Was read a first time;

On motion of Mr. Graham,

The 42d rule was suspended, the bill read a second and third times, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 88, C File, A Bill for the relief of John H. McKinney;

Was read a first time.

On motion of Mr. Browne,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Shelledy,

Was referred to the committee on Claims.

No. 89, C. File, A Bill to authorize the Clerk of the District court of Jackson county, to transcribe the records of said court.

Was read a first time.

On motion of Mr. Graham,

The 42d rule was suspended, the bill read a second and third times, passed and its title agreed to.

*Ordered*, That the Council be informed thereof.



No. 80, C. File, A Bill for an act to authorize the clerk of the district court for the county of Lee to transcribe the records of said court;  
Was read a first time.

On motion of Mr. Browne,

The 42d rule was suspended, the bill read the second and third times passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 85, C. File, A Bill to vacate a part of the town of Rockingham;  
Was read a first time;

On motion of Mr. Munger,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Browne,

The bill was referred to the committee on the Judiciary.

No. 51, H. R. File, Joint resolution providing for the adjournment of the Legislature, *sine die*;

Having been amended by the Council, which amendment was disagreed to by the House, and insisted upon by the Council, was taken up; and,

On motion of Mr. Patterson,

Laid upon the table.

No. 40, H. R. File, Preamble and Joint Resolution, instructing our Delegate in Congress to use his influence to procure an increase of mail facilities upon mail routes No. 4228, and No. 4503;

Was read a second time, and,

On motion of Mr. Wilson,

The resolution was laid upon the table.

No. 14, H. R. File, A Bill to provide for the election of delegates to form a constitution for the government of the State of Iowa;

Was read a second time; and,

On motion of Mr. Morgan,

Laid upon the table.

No. 63, C. File, A Bill relative to imprisonment on indictments in cases of manslaughter;

Having been reported back to the House, with the recommendation that the bill be indefinitely postponed; was taken up, and the report concurred in by the House;

Yeas 15; Nays 8;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—



Messrs. Browne, Clifton, Downey, Graham, Hunor, Morgan, Munger, Murdock, McMichael, Patterson, Ripley, Shelledy, Taylor, Wilson and Woodworth.

Those who voted in the negative, were—

Messrs. Banks, Flint, Ferguson, Hancock, Holland, Lester, Wright and McCleary, Speaker.

So the bill was indefinitely postponed.

No. 18, H. R. File, A Bill to provide for the apprehension of criminals, and for the suppression of crimes and misdemeanors;

Was taken up; and,

On motion of Mr. Morgan,

Referred to a committee of the whole House, and made the order of the day for Monday next.

No. 62, H. R. File, A Bill providing for the re-location of the county seat of Jones county;

Was read a second time; and,

On motion of Mr. Taylor,

Ordered to a third reading on Monday next.

No. 70, C. File, A Bill to authorize the Clerk of the District court for the county of Van Buren to transcribe the records of said court;

Was read a second time; and,

On motion of Mr. Hancock,

Ordered to a third reading on Monday next.

No. 75, C. File, A Bill to re-locate a Territorial road from Fairfield, in Jefferson county, to Agency City, in Wappelo county;

Was read a second time; and,

On motion of Mr. Clifton,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 50, C. File, A Bill to authorize the county commissioners of Jackson county to establish the survey of a road in said county;

Was read a second time.

On motion of Mr. Graham,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.



No. 29, C. File, A Bill to incorporate the Maquoketa academy, in Jackson county;

Was read a third time, passed, and the title agreed to.

*Ordered*, That the Council be informed thereof.

No. 48, H. R. File, A Bill to locate a Territorial road from Ottumwa, in Wapello county, to Bloomfield, in Davis county;

Was read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 60, H. R. File, A Bill to establish a perch of Mason work in the Territory of Iowa;

Was read a third time, and passed.

The question being upon agreeing to the title of the bill,

Mr. Brown made a motion to strike out the word "establish," and insert the word "define;"

Which was decided in the affirmative.

The title of the bill was then agreed to.

*Ordered*, That the Council be informed thereof.

No. 15, C. File, A Bill supplementary to an act entitled, "An act regulating the mode of taking depositions, and to provide for the perpetuation of testimony;

Was read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof,

No. 56, H. R. File, Joint Resolution asking an appropriation for a bridge on Skunk river at Lowell's, in Henry county Iowa;

Was read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 71, C. File; A Bill for an act supplementary to an act entitled, "An act to preserve good order in all worshipping congregations in this Territory;" approved, January 4th, 1839;

Being the order of the day, (Mr. Patterson in the chair,) after some time spent therein,

Mr. Speaker resumed the chair, and the chairman reported the bill back to the House, with one amendment, which was concurred in by the House.

Mr. Browne made a motion to strike out all after the enacting clause;

Which was decided in the negative.

Yeas 4; Nays 19.

The yeas and nays being demanded by two members,



Those who voted in the affirmative, were—

Messrs. Browne, Downey, Lester, and Wright

Those who voted in the negative, were—

Messrs. Banks, Clifton, Flint, Ferguson, Graham, Hancock, Holland, Hunor, Morgan, Munger, Murdock, McMichael, Patterson, Ripley, Shelledy, Taylor, Wilson, Woodworth, and McCleary, Speaker.

Mr. Brown made a motion to lay the bill upon the table;

Which was decided in the negative.

On motion of Mr. Murdock,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

On motion of Mr. Shelledy,

No. 64, H. R. File, A Joint resolution;

Was taken from the table.

Mr. Shelledy made a motion to suspend the 42d rule, and read the resolution a third time now.

Mr. Taylor made a motion to lay the resolution upon the table;

Which was decided in the negative.

Yeas 11; Nays 12;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Hancock, Holland, Hunor, Morgan, Munger, McMichael, Ripley, Taylor, Wilson, and Wright.

Those who voted in the negative, were—

Messrs. Banks, Clifton, Downey, Flint, Ferguson, Graham, Lester, Murdock, Patterson, Shelledy, Woodworth and McCleary, Speaker.

Mr. Taylor made a motion to indefinitely postpone the resolution.

Pending which,

On motion of Mr. Morgan,

The resolution was postponed until Monday next.

On motion of Mr. Patterson,

No. 21, C. File, A Bill to establish a Territorial road from Franklin, in Lee county, to Mount Pleasant, in Henry county;

Was taken from the table, and referred to a select committee.



Messrs. Patterson, Munger and Browne, were appointed said committee.

On motion of Mr. Munger,

*Ordered*, That the House stand adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr. Shelledy gave notice that on Monday next, he would ask leave to introduce a bill supplemental to an act to lay out new counties, and define their boundaries.

No. 30, H. R. File, A Bill for the organization of new counties; Being the order of the day, for this day, (Mr. Morgan in the chair) after some time spent therein; the committee rose;

Mr. Speaker resumed the chair, and the chairman reported the bill back to the House without amendment.

Mr. Hancock made a motion to refer the bill to the committee on New Counties, with instructions to report a bill for the organization of Jasper county.

Mr. Shelledy made a motion to amend the motion of Mr. Hancock, so as to include Polk county;

Which amendment was accepted by Mr. Hancock.

The question was then put—"Shall the bill be referred with instructions?"

Which was decided in the affirmative;

On motion of Mr. Clifton,

*Ordered*, That the House stand adjourned until Monday morning next, at 10 o'clock.

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### MONDAY MORNING, 10 O'CLOCK.

JANUARY 12, A. D. 1846.

The following message was received from the Council by Mr. Kinney, their Secretary:

MR. SPEAKER:

I am instructed by the Council to inform the House of Representatives that the Council have passed,



No. 7, C. File, A Bill to provide for the election of Delegates to a Convention to form a Constitution and State Government.

No. 72, C. File, A Bill to amend an act entitled, "An act allowing and regulating writs of attachment," approved February 16th, 1843.

No. 86, C. File, A Bill concerning liens of judgments.

No. 59, C. File, A Memorial to Congress for the purpose of settling the question of boundary between the Territory of Iowa and State of Missouri.

In which the concurrence of the House of Representatives is requested.

The Council have passed with amendment—

No. 52, H. R. File, A Bill to re-locate a certain road therein named.

In which amendment the concurrence of the House of Representatives is requested.

The Council have passed—

No. 53, H. R. File, A Bill for an act to lay out and establish a road from Brighton to Enos Darniel's in Keokuk county;

No. 57, H. R. File, A Bill to divorce Andrew M. Fickie of Van Buren county, from Susan Fickie his wife;

No. 59, H. R. File, A Bill to establish a Territorial road therein named;

No. 65, H. R. File, A Bill to provide for an expression of an opinion of the citizens of Du Buque county, for and against township organization;

I herewith return—

An act to lay out and establish a Territorial road from Oskaloosa to Knoxville;

An act to authorize Edmund C. Whipple, & Co. to establish and keep a ferry across the Iowa and Cedar rivers at the junction of said rivers;

An act to vacate a part of the Territorial road from Wyoming to Moscow;

Memorial to Congress for an appropriation to continue the military road leading from Burlington to Agency City;

A Memorial to Congress praying for the construction of a public wharf at the town of Keokuk;

Memorial in regard to the reserved mineral lands;

Which have been signed by the President of the Council.

I herewith present for your signature—



An act to divorce William H. Evans from his wife, Rachael Evans.  
The Council have disagreed to the amendment of the House to  
No. 20, C. File, A Bill to establish a Territorial road from Fort  
Madison in Lee county, to Mount Pleasant, in Henry county;

The Council have concurred in the amendment of the House to  
No. 42, C. File, A Bill to amend an act to incorporate the town of  
Bloomington, approved, Jan. 23, 1839.

Mr. Wright presented the petition of Alexander May, and 57 other  
citizens of Marion and Kishkekosh counties, praying for a Territorial  
road from Clarksville, in Kishkekosh county to the Raccoon Forks on  
the Des Moines river;

Which,

On motion of Mr. Wright,

Was referred to the committee on Roads and Highways.

Mr. Patterson presented the petition of Silas Heaight and 100 other  
citizens of the town of Keokuk, in Lee county, praying that the name  
of said town be changed to that of Rapids City;

Which,

On motion of Mr. Patterson,

Was referred to the delegation from Lee county.

Mr. Patterson presented the petition of Nathaniel McCollough and  
12 other citizens of Lee county praying for a law to vacate a part of  
the town of Franklin in Lee county;

Which,

On motion of Mr. Patterson,

Was referred to the delegation from Lee county.

Mr. Clifton, upon the suspension of the 41st rule, introduced,  
No. 75, H. R. File, A Bill to declare a certain road therein named,  
a Territorial road;

Which was read a first time.

On motion of Mr. Downey,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Clifton,

The 42d rule was suspended, and the bill read a third time, passed  
and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Downey gave notice that on some subsequent day, he would  
ask leave to introduce,



A Bill for the relief of S. C. Trowbridge;

Also,

A Bill to provide for recording marks and brands of various animals in counties not organized into townships.

Mr. Shelledy from the select committee to whom was referred,

No. 69, H. R. File, Joint Resolution providing for a set of seals;

Made the following report:

*Resolved*, That William Edmunson be, and he is hereby authorized to contract for a full set of seals for the counties of Marion, Jasper and Polk; and that the same be paid for out of the Territorial Treasury;

Mr. Shelledy, from the committee to whom was referred,

No. 30, H. R. File, A Bill for the organization of new counties;

Reported,

No. 76, H. R. File, A Bill for the organization of the counties of Jasper and Polk;

Which was read a first time.

On motion of Mr. Shelledy,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Hancock,

The bill was referred to a committee of the whole House, and made the order of the day for this day at 2 o'clock, P. M.

Mr. Ripley, from the committee on Agriculture, having been instructed to enquire into the law regulating mills and millers, reported,

No. 77, H. R. File, A Bill to amend an act regulating mills and millers, and for other purposes, approved February, 3d, 1843;

Which was read a first time.

On motion of Mr. Wright,

The 42d rule was suspended, the bill read a second and third times, passed and its title agreed to.

*Ordered*, That the Council be informed thereof.

Mr. Morgan from the committee on the Judiciary, to whom was referred,

No. 85, C. File, A Bill to vacate a part of the town of Rockingham;

Reported the same back to the House without amendment, with the recommendation that the bill pass.

Mr. Morgan from the same committee, to whom was referred,

No. 63, H. R. File, A Bill to provide for the printing, publication



and preservation of the decisions of the Supreme court of Iowa Territory;

Reported the same back to the House with the following amendment: add,

Sec. 6th, This act to take effect and be in force from and after its passage,

Mr. Shelledy having given previous notice, and upon leave being granted, introduced,

No. 78, H. R. File, A Bill supplemental to an act to establish new counties, and define their boundaries;

Which was read a first time.

On motion of Mr. Shelledy,

The 42d rule was suspended, and the bill read a second time.

Mr. Shelledy made a motion that the bill be engrossed and read a third time on to-morrow.

Pending which,

On motion of Mr. Taylor,

The bill was referred to a committee of the whole House, and made the order of the day for to-morrow.

Mr. Banks having given previous notice, and upon leave being granted, introduced,

No. 79, H. R. File, Joint resolution on the subject of mail routes;

Which was read a first time.

On motion of Mr. Banks,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Taylor,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

Mr. Downey having given previous notice, and upon leave being granted, introduced,

No. 80, H. R. File, A Bill to repeal an act entitled, "An act to vacate a part of the town plat of Port Allen, and to legalize the re-location of a part of a Territorial road," approved, 1845;

Which was read a first time.

Mr. McMichael having given previous notice, and upon leave being granted, introduced,



No. 81, H. R. File, A Bill to amend an act entitled, "An act to regulate grocery license," approved, January 4th, 1840;

Which was read a first time;

On motion of Mr. Morgan,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Wilson,

Referred to the committee on the Judiciary.

Mr. Wilson, upon the suspension of the 41st rule, introduced,

No. 82, H. R. File, A Bill to amend an act entitled, "An act concerning blacks and mulattoes;

Which was read a first time.

On motion of Mr. Ferguson,

The 42d rule was suspended, the bill read a second time, and

On motion of Mr. Patterson,

Referred to the committee on the Judiciary.

Mr. Flint, upon the suspension of the 41st rule, introduced,

No. 83, H. R. File, A Bill to declare a certain road therein named, to be a Territorial road;

Which was read the first time.

On motion of Mr. Flint,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Shelledy,

Referred to the delegation from Jefferson, Washington and Henry counties.

No. 71, H. R. File, A Bill to amend an act entitled, "An act relative to the probate of wills, executors, administrators, guardians, trustees of minors, and probate courts, and for defining their duties," approved February 13th, 1843;

Was read a second time; and,

Referred to the committee on the Judiciary.

No. 62, H. R. File, A Bill providing for the re-location of the county seat of Jones county;

Was read a third time; and,

On motion of Mr. Patterson,

The bill was laid upon the table.

No. 70, C. File, A Bill to authorize the Clerk of the District court for the county of Van Buren to transcribe the records of said court;



Was read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

On motion of Mr. Morgan,

No. 64, H. R. File, Joint resolution;

Was taken from the table.

Mr. Taylor made a motion to amend the resolution by striking out the words "Wednesday, 14th," and inserting the words "Thursday, 15th;"

Which was decided in the affirmative.

On motion of Mr. Morgan,

The 42d rule was suspended, the resolution read a third time, passed and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 18, H. R. File, A Bill to provide for the apprehension of criminals, and for the suppression of crimes and misdemeanors;

Being the order of the day for this day, (Mr. Shelledy in the chair,) after some time spent therein,

Mr. Speaker resumed the chair, and the chairman reported the bill back to the House, with sundry amendments.

• On motion of Mr. Browne,

The report was laid upon the table.

On motion of Mr. Taylor,

*Ordered*, That the House stand adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

No. 76, H. R. File, A Bill to organize the counties of Jasper and Polk;

Being the order of the day, (Mr. Hancock in the chair) after some time spent therein,

Mr. Speaker resumed the chair, and the chairman reported the bill back to the House with one amendment, which was concurred in by the House.

Mr. Ferguson made a motion to amend the bill by striking out "M. T. Williams of Mahaska county," and inserting "A. H. Pugh, of Van Buren county;"

Which was decided in the negative.

On motion of Mr. Shelledy,



The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

*Ordered*, That the Council be informed thereof.

Mr. Morgan from the joint committee on Enrolments, made the following report:

MR. SPEAKER:—

The joint committee on Enrolments have this day presented to His Excellency, the Governor for approval, the following acts of the Legislature, to wit:

Memorial to Congress in regard to the reserved mineral lands;

Memorial to Congress for an appropriation to continue the military road leading from Burlington to Agency City;

An act to vacate a part of the Territorial road from Wyoming to Moscow;

An act to authorize Edmund C. Whipple & Co., to establish and keep a ferry across the Iowa and Cedar rivers, at the junction of said rivers;

An act to lay out and establish a Territorial road from Oskaloosa to Knoxville;

A memorial to Congress, praying an appropriation for the construction of a public wharf at the town of Keokuk.

On motion of Mr. Wilson,

No. 51, H. R. File, Joint resolution providing for the adjournment of the Legislature, *sine die*;

Was taken up.

On motion of Mr. Wilson,

A committee of conference was appointed to act in conjunction with a similar committee on the part of the Council, upon the disagreeing vote of the two Houses upon

No. 51, H. R. File, Joint resolution, providing for the adjournment of the Legislature, *sine die*;

Messrs. Wilson, Shelledy and Taylor were appointed said committee.

On motion of Mr. Flint,

No. 36, C. File, A Bill to amend an act entitled, "An act to district the Territory of Iowa into electoral districts, and to apportion the representation of each;"

Was taken from the table.

Which,



On motion of Mr. Shelledy,

Was referred to a committee of the whole House, and made the order of the day for Wednesday next.

The following message was received from the Council, by Mr. Kinney their Secretary:

MR. SPEAKER:—

I am directed to inform the House of Representatives, that the Council have passed,

No. 95, C. File, Joint resolution for the payment of J. H. Fisher;

No. 97, C. File, A Bill to locate and establish a Territorial road from Bush's mills in Jefferson county, to the Des Moines river, in Van Buren county;

No. 98, C. File, An act for the relief of Thomas J. Pearce, collector of taxes in Jackson county for the year 1843;

No. 90, C. File, A Bill to lease the penitentiary;

In which the concurrence of the House of Representatives is requested.

The Council have passed—

No. 49, H. R. File, A Bill to amend an act entitled, "An act concerning water crafts found adrift, lost goods, and estray animals.

The Council have agreed to the amendment of the House of Representatives to

No. 71, C. File; A Bill for an act supplementary to an act entitled, "An act to preserve good order in all worshipping congregations in this Territory;" approved, January 4th, 1839;

I herewith present for your signature—

An act to amend an act entitled, "An act to incorporate the town of Bloomington," approved January 23d, 1839.

An act to establish a Territorial road from Sigourney, in Keokuk county, to Washington county.

I herewith return—

An act to legalize the acts of Henry C. Smith;

An act to authorize the board of commissioners of Clayton county to change the name of Jacksonville in said county;

An act to establish a Territorial road in the counties of Jones and Delaware;

Memorial to Congress for an appropriation to continue the military road leading from Burlington to Agency City;

An act for the organization of the county of Appanoose;



A Memorial to Congress for an appropriation to defray the expenses growing out of the dispute between the Territory of Iowa, and the State of Missouri, in relation to the southern boundary line;

An act to establish new counties, and define their boundaries.

All of which have been signed by the President of the Council.

The message from the Council was taken up.

No. 90, C. File, A Bill to lease the Penitentiary;

Was read a first time; and,

On motion of Mr. Patterson,

The 42d rule was suspended, the bill read a second time; and,

Referred to a select committee of one from each electoral district.

Messrs. Patterson, Wright, Clifton, Taylor Ferguson, Shelledy, Murdock, Downey and Flint were appointed said committee.

No. 97, C. File, A Bill to locate and establish a Territorial road from Bushe's mills, in Jefferson county, to the Des Moines river in Van Buren county;

Was read a first time.

On motion of Mr. Flint,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Hancock,

Referred to the delegations from Wapello and Van Buren counties.

No. 95, C File, Joint Resolution for the payment of J. H. Fisher;

Was read a first time.

On motion of Mr. Downey,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Hancock,

Referred to the committee on Claims.

No. 98, C. File, A Bill for the relief of Thomas J. Pearce, collector of taxes in Jackson county for the year 1843;

Was read a first time; and,

On motion of Mr. Hancock,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Patterson,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

*Ordered*, That the Council be informed thereof.



No. 7, C. File, A Bill to provide for the election of Delegates to a Convention to form a Constitution and State Government.

Was read a first time.

On motion of Mr. Murdock,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Taylor,

Referred to a committee of the whole House, and made the order of the day for Wednesday next.

No. 20, C. File, A Bill to establish a Territorial road from Fort Madison in Lee county, to Mount Pleasant, in Henry county;

Having been returned from the Council with a disagreement to the amendment made by the House,

Was read a first time; and,

On motion of Mr. Patterson,

The House insisted upon their amendment.

No. 72, C. File, A Bill to amend an act entitled, "An act allowing and regulating writs of attachment," approved February 16th, 1843.

Was read a first time.

On motion of Mr. Murdock,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Patterson,

Referred to the committee on the Judiciary.

No. 86, C. File, A Bill concerning liens of judgments.

Was read a first time.

On motion of Mr. Hancock,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Taylor,

Referred to the committee on the Judiciary.

No. 59, C. File, A Memorial to Congress for the purpose of settling the question of boundary between the Territory of Iowa and State of Missouri.

Was read a first time.

On motion of Mr. Taylor,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Patterson,

Referred to the committee on Territorial Affairs.



No. 52, H. R. File, A Bill to re-locate a certain road therein named.

Having been returned from the Council with one amendment,

On motion of Mr. Patterson,

The amendment was agreed to by the House.

On motion of Mr. Flint,

*Ordered*, That the House stand adjourned until to-morrow morning at 10 o'clock.

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TUESDAY MORNING, 10 O'CLOCK,

JANUARY 13, A. D. 1846.

Mr. Munger presented the petition of Sandford Butler, and 22 other citizens of Henry county, praying for the location of a road in Henry county.

Mr. Munger presented the petition of Hiram Curts, and 21 others, praying for a Territorial road in Henry county.

Mr. Clifton presented the remonstrance of Nathan Parsons and 77 other citizens of Henry county, against the location of the road prayed for in the above petition;

Which petitions were referred to the committee on Roads and Highways.

Mr. Taylor gave notice that on to-morrow, he would ask leave to introduce,

A Bill for the organization of the county of Benton.

Mr. Browne from the select committee to whom was referred,

No. 64, C. File, A Bill to provide for the election of additional justices of the peace in the town of Keokuk;

Reported the same back to the House with the recommendation that the bill pass.

Mr. Clifton from the select committee, to whom was referred,

No. 83, H. R. File, A Bill to declare a certain road therein named, to be a Territorial road;

Reported the same back to the House, and recommended its passage.

Mr. Patterson from the select committee, to whom was referred the



petition of sundry citizens of Lee county, praying a vacation of a part of the town of Franklin, in Lee county; reported,

No. 84, H. R. File, A Bill to vacate a part of the town of Franklin, in the county of Lee;

Which was read a first time,

On motion of Mr. Browne,

The 42d rule was suspended, the bill read a second time, and

On motion of Mr. Clifton,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

Mr. Patterson from the select committee, to whom was referred the petition of sundry citizens of the town of Keokuk, asking an alteration in the name of the said town of Keokuk; reported,

No. 85, H. R. File, A Bill to change the name of the town of Keokuk;

Which was read a first time.

On motion of Mr. Munger,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Browne,

Laid upon the table.

Mr. Morgan from the joint committee on enrolments, made the following report, to wit:

MR. SPEAKER:

The joint committee on Enrolments have this day presented to His Excellency, the Governor, for approval, the following acts of the Legislature, to wit:

An act to establish new counties and define their boundaries;

An act to legalize the acts of Henry C. Smith;

An act to establish a Territorial road in the counties of Jones and Delaware;

An act for the organization of the county of Appanoose;

An act to authorize the board of county commissioners of Clayton county to change the name of Jacksonville, in said county;

A memorial to Congress for an appropriation to continue the military road leading from Burlington to Agency City;

A memorial to Congress, praying for an appropriation to defray the



expenses growing out of the dispute between the Territory of Iowa and the State of Missouri, in relation to the southern boundary.

Mr. Morgan from the committee on Enrolments, reported as correctly enrolled, the following bills:

An act to re-locate a part of the Territorial road leading from West Point, in Lee county, to Salem in Henry county;

An act to divorce Andrew M. Fickie, of the county of Van Buren, from his wife, Susan Fickie;

An act to provide for an expression of opinion of the citizens of Du Buque county, for and against township organization;

Also,

An act to establish a Territorial road in Washington and Keokuk counties.

Mr. Morgan from the Judiciary committee, to whom was referred, No. 73, H. R. File, A Bill supplemental to an act to provide for the payment of the debt due the Miner's Bank of Du Buque, approved June 10th, 1845;

Reported the same back to the House, with one amendment, and with the recommendation that the bill pass.

Mr. Downey, upon the suspension of the 41st rule, introduced; No. 86, H. R. File, A Bill amendatory of an act entitled, "An act to incorporate Iowa City University," approved June 2d, 1845;

Which was read a first time.

On motion of Mr. Downey,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Graham,

The 42d rule was suspended, the bill read a second and third times, passed and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Clifton, upon the suspension of the 41st rule, introduced, No. 87, H. R. File, Joint Resolution, requesting our Delegate in Congress to use his influence to procure an appropriation to build a bridge across Crooked creek;

Which was read a first time.

On motion of Mr. Graham,

The 42d rule was suspended, the resolution read a second time; and,

On motion of Mr. Clifton,

The 42d rule was suspended, the resolution read a third time, passed and its title agreed to.



*Ordered*, That the Council be informed thereof.

Mr. Lester, upon the suspension of the 41st rule, introduced  
No. 88, H. R. File, Joint resolution providing for a full set of seals  
for the counties of Kishkekosh and Appanoose;

Which was read a first time.

On motion of Mr. Flint,

The 42d rule was suspended, the resolution read a second time; and,

On motion of Mr. Lester,

The 42d rule was suspended, the resolution read a third time, passed  
and its title agreed to.

*Ordered*, That the Council be informed thereof.

Mr. Downey having given previous notice, and upon leave being  
granted, introduced,

No. 89, H. R. File, A Bill for the relief S. C. Trowbridge;

Which was read a first time.

On motion of Mr. Downey,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Clifton,

Referred to the committee on Territorial Affairs.

No. 85, C. File, A Bill to vacate a part of the town of Rocking-  
ham;

Was read a second time; and,

On motion of Mr. Morgan,

Ordered to a third reading on to-morrow.

No. 63, H. R. File, A Bill to provide for the printing, publica-  
tion and preservation of the decisions of the Supreme court of Iowa  
Territory;

Was read a second time.

On motion of Mr. Taylor,

The bill was laid upon the table.

No. 80, H. R. File, A Bill to repeal an act entitled, "An act to va-  
cate a part of the town plat of Port Allen, and to legalize the re-loca-  
tion of a part of a Territorial road," approved, 1845;

Was read a second time; and,

On motion of Mr. Downey,

The bill was laid upon the table.



No. 64, C. File, A Bill to provide for the election of additional justices of the peace in the town of Keokuk;

Having been ordered to a third reading on to-day,  
Was read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 83, H. R. File, A Bill to declare a certain road therein named a Territorial road;

Was read a second time; and,

On motion of Mr. Clifton,

The 42d rule was suspended, and the bill read a third time, passed and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 78, H. R. File, A Bill supplemental to an act to establish new counties, and define their boundaries;

Being the order of the day for this day, the House went into committee of the whole, (Mr. Patterson in the chair;)

After some time spent therein,

Mr. Speaker resumed the chair, and the chairman reported the bill back to the House, without amendment.

On motion of Mr. Shelledy,

The 42d rule was suspended, the bill read a third time passed and its title agreed to.

*Ordered*, That the Council be informed thereof.

On motion of Mr. Wilson,

No. 61, C. File, A Bill to incorporate the city of Du Buque;

Was taken from the table.

A call of the House was ordered.

Messrs. Coy, Ripley and Snyder were absent.

On motion of Mr. Shelledy,

The further call of the House was suspended.

Mr. Wilson made a motion to strike out a former amendment adopted by the House, and insert the following:

"Provided, nothing in this act shall increase or diminish the ferry rights of Timothy Fanning, or of the City of Du Buque; but the said rights, both of Timothy Fanning, and the City, shall be and remain just as they were prior to the passage of this act."

Which was decided in the affirmative;



On motion of Mr. Wilson,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

On motion of Mr. Banks,

*Ordered*, That the House stand adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr. Shelledy presented the petition of E. C. Lyon and 39 other citizens of this Territory, praying for a law regulating the charges of physicians;

Which,

On motion of Mr. Shelledy,

Was referred to a select committee, with instructions to report a bill.

Messrs. Shelledy, McMichael and Woodworth were appointed said committee.

Mr. McCleary gave notice that he would on to-morrow, or some day thereafter, ask leave to introduce,

A joint resolution in relation to mail routes;

Also,

A memorial to Congress for an appropriation to bridge and otherwise improve a Territorial road.

Mr. Morgan from the committee on the Judiciary, to whom was referred,

No. 82, H. R. File, A Bill to amend an act entitled, "An act concerning blacks and mulattoes;"

Reported the same back to the House, without amendment.

Mr. Morgan from the same committee, to whom was referred,

No. 81, H. R. File, A Bill to amend an act entitled, "An act to regulate grocery license," approved, January 4th, 1840;

Reported the same back to the House, without amendment, and with the recommendation that the bill pass.

On motion of Mr. Wilson,

No. 82, H. R. File, A Bill to amend an act entitled, "An act concerning blacks and mulattoes;"

Having been reported back to the House without amendment,



Was taken up.

On motion of Mr. Wilson,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

A call of the House was ordered.

Messrs. Coy, Graham, Hunor, Morgan, Ripley and Snyder were absent.

On motion,

Messrs. Coy, Graham, Ripley and Snyder were excused from the call.

Messrs. Morgan and Hunor appeared and took their seats; and,

On motion,

The further call of the House was suspended.

The question was then put—"Shall the bill pass?"

Which was decided in the affirmative.

Yeas 14; Nays 7;

The Yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Banks, Clifton, Downey, Flint, Ferguson, Holland, Hunor, Lester, Morgan, Murdock, McMichael, Taylor, Wilson, and Wright.

Those who voted in the negative, were—

Messrs. Browne, Hancock, Munger, Patterson, Shelledy, Woodworth and McCleary, Speaker.

The following message was received from the Council by Mr. Kinney, their Secretary:

MR. SPEAKER:

I am instructed by the Council to inform the House of Representatives that the Council have passed,

No. 99, C. File, A Bill to legalize the survey of certain towns in Linn county;

No. 102, C. File, A Bill for the relief of the Sheriff of Du Buque county;

No. 108, C. File, A Bill to change the name of Skunk river;

No. 110, C. File, A Bill to amend an act entitled, "An act defining crimes and punishments," approved 16th February 1843;



In which the concurrence of the House of Representatives is requested.

The Council have passed with amendments—

No. 33, H. R. File, A Bill to levy an additional tax for Territorial purposes;

Also,

No. 68, H. R. File, A Bill for an act to lay out and establish a Territorial road from Iowa City, to Fort Desmoines;

Also,

No. 74, H. R. File, Joint resolution on mail routes.

In which amendment the concurrence of the House of Representatives is requested.

The Council have passed without amendment—

No. 48, H. R. File, A Bill to re-locate a Territorial road from Ottumwa, in Wappelo county, to Bloomfield, in Davis county;

No. 56, H. R. File, Joint resolution asking appropriation for a bridge on Skunk river, at Lowell, in Henry county, Iowa;

No. 61, H. R. File, A Bill for the relief of Samuel C. Reed;

No. 66, H. R. File, A Bill to re-locate a Territorial road therein named;

No. 70, H. R. File, A Bill to legalize the assessment for Iowa county;

No. 72, H. R. File, A Bill to declare a road therein named, to be a Territorial road;

No. 75, H. R. File, A Bill for an act to declare a certain road therein named, to be a Territorial road.

The Council have receded from their amendment to

No. 51, H. R. File, Joint resolution, providing for the adjournment of the Legislature, *sine die*;

The Council have appointed Messrs. Stephenson and Summers, a committee of Conference on the part of the Council in relation to the disagreeing vote of the two Houses, upon

No. 20, C. File, A Bill to establish a Territorial road from Fort Madison in Lee county, to Mount Pleasant, in Henry county;

I herewith present for your signature—

An act to re-locate a Territorial road from Fairfield, in Jefferson county, to the Agency City, in Wapello county;

An act to authorize the county commissioners of Jackson county to establish the survey of a road in said county;



An act to authorize the clerk of the District court for the county of Lee to transcribe the records of said court;

An act to change the name of the town of Charleston, in Jackson county;

An act to authorize the clerk of the District court for the county of Jackson, to transcribe the records of said court;

An act to incorporate the Maquoketa Academy;

I herewith return—

An act defining the term of office of constable;

An act to declare a certain road in the county of Du Buque to be a Territorial road, and to appoint commissioners to locate a Territorial road from Floyds in Du Buque county, *via* colony, to Boardman's Precinct, in the county of Clayton, thence to the Neutral Ground;

An act to authorize Eliphalet Price, Judge of Probate court in the county of Clayton, or his successor in office to transcribe the records of said court.

All of which have been signed by the President of the Council.

Mr. Morgan from the committee on Enroled Bills, reported as correctly enroled, the following:

An act to re-locate a part of a Territorial road in the county of Lee

Also,

An act to establish a Territorial road therein named.

No. 81, H. R. File, A Bill to amend an act entitled, "An act to regulate grocery license," approved January 4th, 1840;

Was read a third time.

Mr. Murdock made a motion to lay the bill upon the table;

Which was decided in the negative.

On motion of Mr. Murdock,

The bill was referred to a select committee, with instructions to report on to-morrow morning.

Messrs. Murdock, McMichael and Woodworth were appointed said committee.

On motion of Mr. Morgan,

No. 65, H. R. File, Joint Resolution providing for the printing of the laws;

Was taken from the table.

A Call of the House was ordered; and,

On motion,

The further call of the House was suspended.



The question was then put upon striking out the names of "Messrs Palmers, Editors of the Capitol Reporter;"

Which was decided in the negative.

Yeas 10; Nays 12.

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Banks, Browne, Clifton, Downey, Hancock, Holland, Hunor, Lester, Shelledy and Woodworth.

Those who voted in the negative were—

Messrs. Flint, Ferguson, Graham, Morgan, Munger, Murdock, McMichael, Patterson, Taylor, Wilson, Wright and McCleary, Speaker.

The question was then put—"Shall the resolution pass?"

Which was decided in the affirmative.

Yeas 12; Nays 10;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Ferguson, Graham, Morgan, Munger, Murdock, McMichael, Patterson, Taylor, Wilson, Wright and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Banks, Clifton, Downey, Flint, Hancock, Holland, Hunor, Lester, Shelledy and Woodworth.

So the joint resolution was passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

On motion of Mr. Shelledy,

*Ordered*, That the House stand adjourned until to-morrow morning at 10 o'clock.



JOURNAL OF THE  
WEDNESDAY MORNING, 10 O'CLOCK,

JANUARY 14, A. D. 1846.

Mr. Wilson presented the petition of Lewis A. Thomas, in relation to the Indians, &c., crossing the northern boundary.

Which,

With the accompanying evidence,

Was laid upon the table.

Mr. Banks gave notice that, on to-morrow or some future day during the present session, he would ask leave to introduce,

A Bill to provide for the payment of the expenses of alterations in Territorial and County roads, when said alterations do not extend three miles in length.

Mr. Morgan from the joint committee on enrolments, made the following report, to wit:

MR. SPEAKER:

The joint committee on Enrolments have this day presented to His Excellency, the Governor, for approval, the following acts of the Legislature, to wit:

An act to declare a certain road in the county of Du Buque to be a Territorial road, and to locate a Territorial road from Floyd's, in said county, via the Colony, in Delaware county, to Boardman's precinct, in the county of Clayton, thence to the Neutral Ground;

An act defining the term of office of Constables;

An act to authorize Eliphalet Price, Judge of the Probate court in the county of Clayton, or his successors in office, to transcribe the records of said court.

Mr. Morgan, from the select committee to whom was referred the communication of His Excellency, James Clarke, in relation to the Sheriff of Davis county, reported,

No. 90, H. R. File, A Bill authorizing the Governor of Iowa Territory to employ counsel in cases growing out of the disputed boundary between the Territory and the State of Missouri;

Which being read,

On motion,

The 42d rule was suspended, and the bill read a second time.



Mr. Taylor moved to fill the blank in said bill by one thousand dollars.

Mr. Morgan moved to fill the blank by two thousand dollars;  
Which was lost.

Mr. Hancock moved to fill the blank in said bill by fifteen hundred dollars;

Which was adopted, and said bill was so amended.

On motion of Mr. Morgan,

The bill was ordered to be engrossed, and read a third time to-morrow.

Mr. Murdock, from the select committee to whom was referred, No. 81, H. R. File, A Bill to amend an act entitled, "An act to regulate grocery license," approved Jan. 4th, 1840.

Reported the same back without amendment, and recommended its passage.

Mr. Wright from the committee on Roads and Highways, to which was referred the petition of Conrad Peake and 57 other, reported

No. 91, H. R. File, A Bill to locate a Territorial road therein named;

In accordance with the prayer of said petitioners.

Also,

No. 92, H. R. File, A Bill to locate a Territorial road therein named;

On motion of Mr. Flint,

The 42d rule was suspended, and the bill read a second time.

On motion of Mr. Shelledy,

No. 91, H. R. File, A Bill to locate a certain Territorial road therein named;

Was referred to a select committee, composed of Messrs. Shelledy, Flint and Hancock.

The following message was received from the Council, by Mr. Kinney their Secretary:

MR. SPEAKER:—

I am directed to inform the House of Representatives, that the Council have passed,

No. 103, C. File, A Bill to establish the seat of justice of Kishkosh county;

And then he withdrew.



On motion of Mr. Wright,

The 42d rule was suspended, and

No. 92, H. R. File, A Bill to locate a Territorial road therein named;

Was read a second time; and,

On motion of Mr. Morgan,

The bill was ordered to be engrossed, and read a third time on to-morrow.

Mr. Shelledy, from the select committee to whom was referred, the petition of sundry citizens of Jonson county, reported,

No. 93, H. R. File, A bill for an act regulating the charge of physicians;

On motion of Mr. Taylor,

The 42d rule was suspended, and the bill read a second time.

Mr. Shelledy moved to refer the bill to the Judiciary committee;

Which was lost.

Mr. Morgan moved to lay the bill upon the table;

Which was also lost.

On motion of Mr. Taylor,

The bill was made the order of the day for to-morrow.

Mr. Hancock from the select committee to whom was referred,

No. 97, C. File, A Bill to locate and establish a Territorial road from Bush's mills in Jefferson county, to the Des Moines river, in Van Buren county;

Reported the same back without amendment, and recommended its passage.

Mr. Taylor having given previous notice, and upon leave being granted, introduced,

No. 94, H. R. File, A Bill for the organization of the county of Benton;

On motion,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Downey,

Referred to the committee on New Counties.

Mr. Shelledy, upon the suspension of the 41st rule, introduced,

No. 95, H. R. File, Joint Resolution;

On motion,



The 42d rule was suspended, the resolution read a second time; and,

On motion of Mr. Hancock,

The resolution was amended by adding "Appanoose, Benton and Buchanan."

On motion of Mr. Taylor,

The 42d rule was suspended, the resolution read a third time, passed and its title agreed to.

*Ordered*, That the Council be informed thereof.

Mr. Wilson from the committee on Territorial Affairs, to which was referred,

No. 59, C. File, A Memorial to Congress for the purpose of settling the question of boundary between the Territory of Iowa and State of Missouri.

Reported the same back with an amendment.

On motion,

No. 89, H. R. File, A Bill for the relief of S. C. Trowbridge;

Was referred to the committee on Claims.

Mr. Shelledy, from the select committee to whom was referred,

No. 91, H. R. File, A Bill to locate a Territorial road therein named;

Reported the same back with an amendment;

Which was agreed to.

On motion,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

Mr. Murdock, having given previous notice, and upon leave being granted, introduced,

No. 99, H. R. File, A Bill to amend an act entitled, "An act to authorize evidence by the oath of parties," approved 20th January, 1843;

Which was read a first time.

On motion,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Hancock,

Referred to the committee on the Judiciary.

Mr. McMichael having given previous notice, and upon leave being granted, introduced,



No. 96, H. R. File, H. Bill for an act to amend an act entitled, "An act to amend an act entitled, 'an act concerning grand and petit jurors;'" approved Feb. 11th, 1844;

Which was read a first time.

On motion,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Morgan,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. McCleary having given previous notice, and upon leave being granted, introduced,

No. 97, H. R. File, Joint resolution for a mail route;

Which was read a first time.

No. 98, H. R. File, Joint resolution for an appropriation to improve the Territorial road across the Mississippi bottom between Toolsboro' and the Mississippi river;

Which was read a first time.

On motion of Mr. Taylor,

No. 99, C. File, A Bill to legalize the survey of certain towns in Linn county;

Was read a second time; and,

On motion,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 102, C. File, A Bill for the relief of the Sheriff of Du Buque county;

Was read a first time; and,

On motion of Mr. Murdock,

The 42d rule was suspended, the bill read a second and third times, passed and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Flint moved to re-consider the vote taken on yesterday on

No. 82, H. R. File, A Bill to amend an act entitled, "An act concerning blacks and mulattoes;

Pending which,

Mr. Patterson moved a call of the House;



Which was ordered.

Messrs. Browne, Coy, Ferguson, Lester, Ripley and Snyder were absent.

Messrs. Browne and Hunor appeared.

On motion of Mr. Shelledy,

Messrs. Ferguson and Lester had leave of absence for the remainder of the session.

On motion,

Messrs. Snyder and Ripley were excused.

On motion of Mr. Hancock,

The further call of the House was suspended.

The question being on re-considering the vote,

It was decided in the affirmative.

Yeas 16; Nays 4.

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Browne, Clifton, Downey, Flint, Graham, Hancock, Holland, Hunor, Morgan, Munger, McMichael, Patterson, Shelledy, Woodworth, Wright and McCleary, Speaker.

Those who voted in the negative were—

Messrs. Banks, Murdock, Taylor, and Wilson.

The question being on the passage of the bill,

It was decided in the negative.

Yeas 8; Nays 12;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Banks, Downey, Flint, Morgan, Murdock, Taylor, Wilson and Wright.

Those who voted in the negative, were—

Messrs. Browne, Clifton, Graham, Hancock, Holland, Hunor, Munger, McMichael, Patterson, Shelledy, Woodworth and McCleary, Speaker.

On motion of Mr. Browne,

A committee of Conference was appointed as to the disagreement of the two Houses on,

No. 20, C. File, A Bill to establish a Territorial road from Fort Madison in Lee county, to Mount Pleasant, in Henry county;



Messrs. Browne, Patterson and Munger were appointed said committee.

No. 108, C. File, A Bill to change the name of Skunk river;  
Was read a first time.

On motion of Mr. Clifton,

The bill was rejected.

No. 110, C. File, A Bill to amend an act entitled, "An act defining crimes and punishments," approved 16th February 1843;

Was read a first time.

On motion of Mr. Murdock,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Murdock,

Referred to a select committee.

Messrs. Murdock, Wilson and Graham, were appointed said committee.

No. 33, H. R. File, A Bill to levy an additional tax for Territorial purposes;

Having been returned from the Council with an amendment,

On motion,

The amendment was agreed to.

No. 68, H. R. File, A Bill for an act to lay out and establish a Territorial road from Iowa City, to Fort Des Moines;

Having been returned from the Council with an amendment,

On motion,

The amendment was agreed to.

No. 74, H. R. File, Joint resolution on mail routes.

Having been returned from the Council with an amendment,

On motion,

The amendment was agreed to.

No. 73, H. R. File, A Bill supplemental to an act to provide for the payment of the debt due the Miner's Bank of Du Buque, approved June 10th, 1845;

Having been reported back with an amendment, was,

On motion of Mr. Downey,

Re-committed to a select committee.

Messrs. Downey, Wilson and Taylor were appointed said committee.

No. 81, H. R. File, A Bill to amend an act entitled, "An act to regulate grocery license," approved, January 4th, 1840;



Was read a second time.

Mr. Morgan offered the following amendment:

Add to 1st section, "And that the provisions of this act shall extend to all persons and property enumerated in the first section of an act entitled, "An act to provide for assessing and collecting county and Territorial revenue," approved February 13th, 1843;

Which was adopted.

Mr. Wilson moved to lay the bill upon the table;

Which was lost.

Mr. McMichael moved to suspend the 42d rule, and read the bill a third time.

Pending which,

On motion of Mr. Morgan,

The bill was laid upon the table.

The following message was received from the Council by Mr. Kinney, their Secretary:

MR. SPEAKER:

I am instructed by the Council to inform the House of Representatives that the Council have passed with amendment,

No. 32, H. R. File, A Bill to amend an act to establish a system of common schools, approved January 16, 1840;

In which amendment the concurrence of the House of Representatives is requested.

No. 97, C. File, A Bill to locate and establish a Territorial road from Bushe's mills, in Jefferson county, to the Des Moines river in Van Buren county;

Was read a third time, passed, and the title agreed to.

No. 85, C. File, A Bill to vacate a part of the town of Rockingham; Was read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

On motion of Mr. Munger,

The message from the Council, returning with an amendment,

No. 32, H. R. File, A Bill to amend an act to establish a system of common schools, approved January 16th, 1840;

Was taken up; and,

On motion,

The amendment was agreed to.

On motion of Mr. Taylor,



No. 62, H. R. File, A Bill providing for the re-location of the county seat of Jones county;

Was taken from the table read a third time, passed and its title agreed to.

*Ordered*, That the Council be informed thereof.

*Ordered*, That the House stand adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

No. 7, C. File, A Bill to provide for the election of Delegates to a Convention to form a Constitution and State Government.

Being the order of the day, (Mr. Patterson in the chair) after some time spent therein,

Mr. Speaker resumed the chair, and the chairman reported the bill back to the House with sundry amendments.

All of which were concurred in by the House.

Mr. Wilson made a motion to refer the bill to a select committee of one from each electoral district, with instructions to draw up a bill providing for an election on the first Monday of April next, for and against a convention; and also, providing that if said convention should be carried, there shall be a special election for delegates to the convention to be held on the first Monday of June; and the Constitution so made, to be submitted to the people for acceptance or rejection, on the first Monday of August next;

Which was decided in the negative.

Yeas 7; Nays 11;

The Yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Clifton, Hancock, Murdock, Shelledy, Taylor, Wilson, and Woodworth.

Those who voted in the negative, were—

Messrs. Browne, Downey, Flint, Graham, Hunor, Morgan, McMichael, Patterson, Wright and McCleary, Speaker.

So the amendment was rejected.

The following message was received from the Council by Mr. Kinney, their Secretary:

MR. SPEAKER:—

I am directed to inform the House of Representatives, that the Council have passed,



No. 100, C. File, A Bill to amend an act entitled, "An act for the organization of townships;

No. 104, C. File, Joint resolution to pay Charles A. Robbins;

No. 106, C. File, A Bill to locate a certain road therein named;

No. 114, C. File, A Bill to amend an act entitled, "An act regulating practice in the District courts of the Territory of Iowa;

No. 115, C. File, A Bill relative to District Prosecutors;

In which the concurrence of the House of Representatives is requested.

The Council have passed with amendments—

No. 79, H. R. File, Joint resolution relative to mail routes;

No. 86, H. R. File, A Bill amendatory of an act entitled, "An act to incorporate Iowa City University," approved June 2d, 1845;

In which amendments the concurrence of the House of Representatives is requested.

The Council have passed without amendment—

No. 65, H. R. File, Joint Resolution providing for the printing of the laws;

No. 67, H. R. File, A Bill to locate a Territorial road from Wapello, in Louisa county, to Augusta, in Des Moines county;

No. 83, H. R. File, A Bill to declare a certain road therein named a Territorial road;

No. 88, H. R. File, Joint resolution providing for a full set of seals for the counties of Kishkekosh and Appanoose;

The Council have indefinitely postponed,

No. 87, H. R. File, Joint Resolution, requesting our Delegate in Congress to use his influence to procure an appropriation to build a bridge across Crooked creek;

I herewith present for your signature—

An act for the relief of Thomas J. Pearce, collector of taxes in Jackson county for the year 1843;

An act to authorize the Clerk of the District court for the county of Van Buren to transcribe the records of said court;

An act supplementary to an act entitled, "An act to preserve good order in worshipping congregations;

I herewith return—

An act to establish a Territorial road in Washington and Keokuk counties;

An act to divorce Andrew M. Fickie from his wife, Susan Fickie;



An act to provide for an expression of opinion of the citizens of Du Buque county for and against township organization;

An act to re-locate a part of a Territorial road leading from West Point, in Lee county, to Salem, in Henry county;

An act to re-locate a part of a Territorial road in the county of Lee;

An an act to establish a Territorial road therein named;

All of which have been signed by the President of the Council.

And then he withdrew.

Mr. Wilson made a motion to refer the bill to a select committee, with instructions to so amend the bill as to submit the question of convention or no convention at the same time that they vote for Delegates.

Which was decided in the negative.

Yeas 5; Nays 13.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Murdock, Shelledy, Taylor Wilson and Woodworth.

Those who voted in the negative, were—

Messrs. Browne, Clifton, Downey, Flint, Graham, Hancock, Hunor, Morgan, Munger, McMichael, Patterson, Wright and McCleary, Speaker.

So the amendment was rejected.

The following message was received from the Council, by Mr. Kinney their Secretary:

MR. SPEAKER:—

I am instructed by the Council to inform the House of Representatives that the Council have amended the amendment of the House to

No. 61, C. File, A Bill to incorporate the city of Du Buque;

By reporting a substitute therefor.

And then he withdrew.

The question was then taken on the third reading of the bill;

Which was decided in the affirmative;

Yeas 17; Nays 1;

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Browne, Clifton, Downey, Flint, Graham, Hancock, Hunor, Morgan, Munger, McMichael, Patterson, Shelledy, Taylor, Wilson, Woodworth, Wright and McCleary, Speaker.



Mr. Murdock voted in the negative.

The bill was accordingly read a third time.

The question was then put—"Shall the bill pass?"

Which was decided in the affirmative.

Yeas 12; Nays 6;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Downey, Flint, Graham, Hancock, Hunor, Morgan, Munger, McMichael, Patterson, Wright and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Clifton, Murdock, Shelledy, Taylor, Wilson and Woodworth.

So the bill was passed, and its title agreed to.

*Ordered*, That the Council be informed thereof,

No. 36, C. File, A Bill to amend an act entitled, "An act to district the Territory of Iowa into electoral districts, and to apportion the representation of each;"

Being the order of the day for this day, was considered in committee of the whole House; (Mr. Hancock in the chair;) after some time spent, the committee rose;

Mr. Speaker resumed the chair, and the chairman reported the bill back without amendment.

Mr. Clifton made a motion to lay the bill on the table.

Which was decided in the negative.

Yeas 8; Nays 10.

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Browne, Clifton, Downey, Graham, Hunor, Munger, Shelledy and Woodworth.

Those who voted in the negative were—

Messrs. Flint, Hancock, Morgan, Murdock, McMichael, Patterson, Taylor, Wilson, Wright and McCleary, Speaker.

On motion of Mr. Flint,

The bill was read a third time.

The question was then put—"Shall the bill pass?"

Which was decided in the affirmative.



Yeas 9; Nays 8;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Flint, Graham, Hancock, Murdock, Patterson, Shelledy, Taylor, Wilson and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Browne, Clifton, Downey, Morgan, Munger, McMichael, Woodworth and Wright.

So the bill was passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

The following messages were received from the Council by Mr. Kinney, their Secretary:

MR. SPEAKER:

I am instructed by the Council to inform the House of Representatives that the Council have agreed to the report of the committee of Conference on

No. 20, C. File, A Bill to establish a Territorial road from Fort Madison in Lee county, to Mount Pleasant, in Henry county;

I herewith present for your signature—

An act to provide for the election of additional justices of the peace in the town of Keokuk.

And then he withdrew.

The above acts were then signed by the Speaker of the House of Representatives.

On motion of Mr. Taylor,

*Ordered*, That the House stand adjourned until to-morrow morning at 10 o'clock.

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THURSDAY MORNING, 10, O'CLOCK,

JANUARY 15, A. D. 1846.

Mr. Downey presented the account of A. P. Woods, for newspapers, amounting to \$113.00;

Which was referred to the committee on Expenditures.



Mr. Banks presented the account of Willard Barrows, for maps, amounting to \$97,50.

Which was referred to the committee on Expenditures.

Mr. Shelledy presented the account of Lyman Holt, for crape, amounting to \$8,75;

Which was referred to the committee on Expenditures.

Mr. Banks presented the account of Hughes & Waters, for printing amounting to \$17,50;

Which was referred to the committee on Claims.

On motion of Mr. Banks,

Mr. Taylor was added to the committee on Claims.

Mr. Browne offered the following:

*"Resolved, That Mr. Thompson, the Chief Clerk of this House, be authorized to employ an assistant clerk for the remainder of the session."*

Mr. Murdock made a motion to lay the resolution on the table;

Which was decided in the negative.

The question was then put on the adoption of the resolution;

And decided in the affirmative.

So the resolution was adopted.

On motion of Mr. Murdock,

*Resolved, unanimously, That the thanks of this House be tendered to George W. McCleary, for the able, impartial and Judicious manner in which he has presided over its deliberations, and discharged the responsible duties of Speaker.*

Mr. Downey from the select committee, to which was referred,

No. 73, H. R. File, A Bill supplemental to an act to provide for the payment of the debt due the Miner's Bank of Du Buque, approved June 10th, 1845;

Reported the same back to the House, with an amendment;

Which was agreed to.

Mr. Shelledy, from the committee on New Counties, to which was referred,

No. 94, H. R. File, A Bill for the organization of the county of Benton;

Reported the same back to the House with an amendment;

Which was agreed to.



Mr. Browne, from the committee on Conference, on the disagreeing vote on,

No. 20, C. File, A Bill to establish a Territorial road from Fort Madison, in Lee county, to Mount Pleasant, in Henry county;

Reported that said committee had agreed to report the bill back, and ask the House to recede from its amendment;

Which report was concurred in by the House.

So the House receded from its amendment.

Mr. Downey from the committee to which was referred, the account of R. Wilson Albright, for printing Journals of the House, reported the following resolution:

*Resolved*, That the Secretary of the Territory be instructed to pay R. Wilson Albright of Lee county, the sum of \$483.37, for printing, pressing, folding and stitching the Journals of the House of Representatives of May session, 1845;

Which was adopted by the House.

On motion of Mr. Murdock,

*Resolved*, That George W. McCleary be allowed the sum of three dollars per day, extra, for his services as Speaker of this House, and that Mr. Robertson be allowed \$3 per day extra, for two days, as Speaker pro tem.

Mr. Morgan from the committee on Enrolled Bills, reported that said committee had carefully examined the following acts, and found them correctly enrolled:

An act to levy an additional tax for Territorial purposes;

An act to locate a Territorial road from Ottumwa, in Wapello, county, to Bloomfield, in Davis county;

An act for the relief of Samuel C. Reed;

Joint resolution asking an appropriation for a bridge over Skunk River, at Lowell in Henry county;

Joint resolution, providing for the adjournment of the Legislature, *sine die*;

An act to legalize the assessment of taxes for Iowa county;

An act declaring a road therein named, to be a Territorial road;

An act to declare a certain road therein named, a Territorial road;

An act to re-locate a Territorial road therein named;

And,

An act to amend an act to establish a system of common schools, approved January 16th, 1840;



HOUSE OF REPRESENTATIVES  
All of which were signed by the Speaker of the House of Representatives.

Mr. Morgan, from the committee on the Judiciary, to whom was referred,

No. 42, H. R. File, A Bill to amend an act entitled, "An act for the limitation of actions, and for avoiding vexatious law suits," approved Feb. 15, 1843;

And,

No. 99, H. R. File, A Bill to amend an act entitled, "An act to authorize evidence by the oath of parties," approved 20th January, 1843;

Reported them back to the House without amendment.

Mr. Morgan from the select committee to whom was referred,

No. 62, H. R. File, A Bill in relation to limited partnership,

Reported the same back to the House with an amendment;

Which was agreed to by the House.

The bill was then ordered to be engrossed, and read a third time tomorrow.

Mr. Wright from committee on Roads and Highways, to whom was referred the petition of Hiram Curty, and 22 other citizens of Henry county, and the remonstrance of Nathan Parsons and 79 other citizens of Henry county,

Reported that said committee had had the same under consideration, and instructed him to report adverse to the prayer of said petitioners.

Mr. Wright from the same committee, to which was referred the petition of G. Butler, and 21 others, reported,

No. 105, H. R. File, A Bill to locate a Territorial road therein named;

Which was read the first time.

Mr. Murdock from the select committee, to whom was referred,

No. 110, C. File, A Bill to amend an act entitled, "An act defining crimes and punishments," approved 16th February 1843;

Reported the same back, and recommended its passage;

Which was concurred in.

Mr. Patterson from the select committee, to whom was referred,

No. 21, C. File, A Bill to establish a Territorial road from Franklin, in Lee county, to Mt. Pleasant, in Henry county;

Reported the same back, and recommended its passage.



Mr. Patterson, upon the suspension of the rules, and leave being granted, introduced,

No. 100, H. R. File, A Bill to divorce Mary Ann P. Bidaman from her husband, Lewis Bidaman;

Which was read a first time.

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Patterson,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

*Ordered*, That the Council be informed thereof.

Mr. Downey, upon the suspension of the 41st rule, introduced,

No. 101, H. R. File, A Bill to authorize — Crawford to convey certain real estate;

Which was read a first time.

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Downey,

Laid on the table.

Mr. Downey, upon the suspension of the rules, introduced,

No. 102, H. R. File, Joint Resolution;

Which was read a first time.

On motion,

The 42d rule was suspended, the resolution read a second time; and,

On motion,

The 42d rule was suspended, the resolution read a third time, passed and its title agreed to.

*Ordered*, That the Council be informed thereof.

Mr. Speaker presented the report of the Auditor of Public Accounts, which is as follows:

AUDITOR'S OFFICE, IOWA.

January 14, 1846.

*To the Honorable, the Council, and the*

*House of Representative, of the Territory of Iowa:*

GENTLEMEN:—Since my annual report, bearing date, 22d December, 1845, there has been presented to me for allowance claims amounting to near three thousand dollars, for costs created in the District courts in criminal prosecutions, the majority of the claims alluded to were created some years ago. I have had the same under advise-



ment, and have concluded not to allow any portion of them. I would therefore, respectfully suggest to your honorable body, the propriety of passing a law authorizing the Auditor of Public Accounts to employ counsel in all claims contested, wherein the Territory is concerned, as connected with this office.

All of which is respectfully submitted,

ROB'T W. SECREST,

Auditor.

On motion of Mr. Murdock,

No. 35, H. R. File, A Bill to provide for the payment of costs and fees in cases where crimes and offences have been committed by the Indians.

Was taken from the table; and,

Read a third time.

The question was then put—"Shall the bill pass?"

Which was decided in the negative.

Yeas 7; Nays 11.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Downey, Flint, Hancock, Hunor, Murdock, Wilson and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Browne, Clifton, Graham, Morgan, Munger, McMichael, Patterson, Shelledy, Taylor, Woodworth and Wright.

So the bill was rejected.

On motion of Mr. Downey,

No. 63, H. R. File, A Bill to provide for the printing, publication and preservation of the decisions of the Supreme court of Iowa Territory;

Was taken from the table; and,

Read a third time.

The question was then put—"Shall the bill pass?"

Which was decided in the affirmative;

Yeas 13; Nays 5;

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Browne, Clifton, Downey, Flint, Graham, Hancock, Hunor, Morgan, Munger, Murdock, Shelledy, Wilson and Woodworth.



Those who voted in the negative, were—

Messrs. McMichael, Patterson, Taylor, Wright and McCleary, Speaker.

So the bill passed, and its title was agreed to.

*Ordered*, That the Council be informed thereof.

Mr. Munger, from the committee on the Judiciary, to whom was referred,

No. 71, H. R. File, A Bill to amend an act entitled, "An act relative to the probate of wills, executors, administrators, guardians, trustees of minors, and probate courts, and for defining their duties," approved February 13th, 1843;

No. 64, H. R. File, A Bill to amend an act entitled, "An act relative to divorce, and alimony, and other purposes;

No. 63, H. R. File, A Bill concerning costs;

No. 86, C. File, A Bill concerning liens of judgments.

And,

No. 72, C. File, A Bill to amend an act entitled, "An act allowing and regulating writs of attachment," approved February 16th, 1843.

Reported the same back, with a recommendation that the bills pass:

Also,

No. 62, C. File, A Bill amendatory of an act entitled, "An act for the limitation of actions, &c.," approved February 15th, 1843;

With the recommendation that the bill be indefinitely postponed.

On motion of Mr. Taylor,

No. 15, H. R. File, A Bill to amend an act entitled, "An act to change the time of holding the general elections," approved 29th January, 1844;

Was taken from the table.

On motion of Mr. Taylor,

The bill was amended, by adding an additional section.

Mr. McCleary made a motion to amend the bill;

Pending which,

On motion of Mr. Shelledy,

The bill was referred to a select committee, with instruction to report this evening.

Messrs. Patterson, Shelledy, Morgan, Taylor and Murdock were appointed said committee.

Mr. Downey made a motion to re-consider the vote taken on the passage of



No. 7, C. File, A Bill to provide for the election of Delegates to a Convention to form a Constitution and State Government.

A call of the House was ordered.

Messrs. Banks, Coy, Holland, Ripley and Snyder were absent.

On motion of Mr. Clifton,

Mr. Ripley obtained leave of absence for the balance of the session.

On motion,

All the absentees were excused, but Mr. Banks.

Mr. Banks appeared in his seat, and the further call of the House was suspended.

The question was then put—"will the House re-consider the vote taken on the passage of the bill?"

And decided in the negative.

Yeas 8; Nays 12;

The Yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Banks, Hancock, Murdock, Shelledy, Taylor, Wilson, Woodworth and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Browne, Clifton, Downey, Flint, Graham, Holland, Hunor, Morgan, Munger, McMichael, Patterson, and Wright.

So the vote was not re-considered.

No. 100, C. File, A Bill to amend an act entitled, "An act for the organization of townships," approved February 17th, 1843;

Was read a first time.

No. 104, C. File, Joint resolution to pay Charles A. Robbins;

Was read a first time.

On motion of Mr. McCleary,

The 42d rule was suspended, the resolution read a second and third times, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 103, C. File, A Bill to establish the seat of justice of Keokuk county;

Was read a first time.

On motion of Mr. Clifton,

The 42d rule was suspended, the bill read a second time; and,  
Referred to a committee of the whole House, and made the order of the day for this afternoon.



Mr. Murdock made a motion to adjourn;  
Which was decided in the negative.

On motion of Mr. Downey,

*Resolved*, That James Trimble, Esqr., be allowed the sum of three dollars, for his services in administering the oath of office to the members of this House.

No. 106, C. File, A Bill to locate a certain road therein named;  
Was read a first time.

Mr. Shelledy, upon the suspension of the rules, introduced,  
No. 103, H. R. File, Joint resolution;  
Which was read a first time.

The 42d rule was suspended, the resolution read the second [and third times, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 114, C. File, A Bill to amend an act entitled, "An act regulating practice in the District courts of the Territory of Iowa;  
Was read a first time.

On motion,

The 42d rule was suspended, the bill read a second time, and,  
Referred to the committee on the Judiciary;

No. 115, C. File, A Bill relative to District Prosecutors;  
Was read a first time.

On motion of Mr. Wilson,

The 42d rule was suspended, the bill read the second and third times, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 79, H. R. File, Joint resolution relative to mail routes;

Having been returned from the Council, with an amendment, was taken up, and the amendment agreed to.

No. 86, H. R. File, A Bill amendatory of an act entitled, "An act to incorporate Iowa City University," approved June 2d, 1845;

Having been returned from the Council with an amendment, was taken up, and the amendment concurred in.

No. 61, C. File, A Bill to incorporate the city of Du Buque;

Having been returned from the Council, with an amendment to the amendment of the House, was taken up, and the amendment of the Council agreed to.

No. 97, H. R. File, Joint resolution for a mail route;



Was read a second time; and,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 59, C. File, A Memorial to Congress for the purpose of settling the question of boundary between the Territory of Iowa and State of Missouri.

Having been reported back with an amendment, was taken up, and the amendment agreed to.

On motion,

The memorial was read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 98, H. R. File, Joint resolution for an appropriation to improve the Territorial road across the Mississippi bottom between Toolsboro' and the Mississippi river;

Was read a second time.

On motion,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 90, H. R. File, A Bill authorizing the Governor of Iowa Territory to employ counsel in cases growing out of the disputed boundary between the Territory and the State of Missouri;

Was read a third time, passed, and the title agreed to.

*Ordered*, That the Council be informed thereof.

No. 92, H. R. File, A Bill to locate a Territorial road therein named;

Was read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

On motion,

*Ordered*, That the House stand adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr. Shelledy, from the select committee to which was referred,

No. 15. H. R. File, A Bill to amend an act entitled, "An act to change the time of holding the general elections," approved 29th January, 1844;



Reported the same back with an amendment.

On motion of Mr. Patterson,

The bill was indefinitely postponed.

Mr. Munger from the select committee, to whom was referred,

No. 114, C. File, A Bill to amend an act entitled, "An act regulating practice in the District courts of the Territory of Iowa,"

Reported the same back, without amendment, and recommended its passage.

The following message was received from the Council by Mr. Kinney, their Secretary:

MR. SPEAKER:

I am instructed by the Council to inform the House of Representatives that the Council have passed,

No. 111, C. File, A Bill to lay out and establish a Territorial road from Fairfield, in Jefferson county, to Keokuk, in Lee county;

No. 112, C. File, A Bill to establish a certain Territorial road therein named;

No. 113, C. File, An act to locate the seat of justice of Buchanan county;

No. 53, C. File, A Bill fixing the terms of the District courts in the Territory of Iowa;

No. 116, C. File, Joint resolution for distributing the laws of the present session;

No. 117, C. File, Joint resolution, approving of the late Memphis Convention;

No. 118, C. File, A Bill to amend an act entitled, "An act to incorporate the city of Keosauqua;

No. 120, C. File, A Bill to amend an act entitled, "An act relative to mechanics' liens, and other purposes," approved 13th February, 1843;

No. 121, C. File, A Bill to legalize the acts of Samuel Sheffleton;

No. 122, C. File, Joint resolution;

No. 123, C. File, A Bill to authorize David W. Fisher to build a ware house;

No. 124, C. File, A Bill for the relief of Muscatine county;

No. 125, C. File, Joint resolution to provide for binding the laws;

No. 126, C. File, A Joint resolution for the donation of Fort Des-moines to Polk county;

No. 127, C. File, A Bill to change the name of Kishkekosh county



In which the concurrence of the House of Representatives is requested.

The Council have agreed to the amendment of the House of Representatives, to

No. 7, C. File, A Bill to provide for the election of Delegates, to a Convention to form a Constitution and State Government.

The Council have passed with amendment—

No. 76, H. R. File, A Bill to organize the counties of Jasper and Pelk;

In which amendment the concurrence of the House of Representatives is requested.

On motion of Mr. Murdock,

The House proceeded to consider in committee of the whole House, No. 103, C. File, A Bill to establish the seat of Justice of Kishkekosh county;

Mr. Murdock in the chair; after some time spent therein, the committee rose;

Mr. Speaker resumed the chair, and the chairman reported the bill back without amendment.

On motion of Mr. Clifton,

The 42d rule was suspended, and the bill read a third time;

The question being on the passage of the bill,

It was decided in the affirmative.

Yeas 13; Nays 5;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Clifton, Flint, Graham, Hunor, Munger, McMichael, Patterson, Shelledy, Taylor, Wilson, Woodworth and Wright.

Those who voted in the negative, were—

Messrs. Banks, Hancock, Holland, Murdock, and McCleary, Speaker.

The following message was received from the Council, by Mr. Kinney their Secretary:

MR. SPEAKER:—

I am instructed by the Council to inform the House of Representatives that the Council have passed,

No. 127, C. File, Joint resolution for the payment of certain persons therein named;



In which the concurrence of the House of Representatives is requested.

No. 60, H. R. File, A Bill to define a perch of mason work;

No. 69, H. R. File, Joint resolution providing for a full set of seals;

No. 78, H. R. File, A Bill supplemental to an act to establish new counties, and define their boundaries;

No. 84, H. R. File, A Bill to vacate a part of the town of Franklin, in the county of Lee;

No. 91, H. R. File, A Bill to locate a Territorial road therein named;

No. 96, H. R. File, H. Bill for an act to amend an act entitled, "An act to amend an act entitled, 'an act concerning grand and petit jurors;'" approved Feb. 11th, 1844;

Mr. Taylor, upon the suspension of the 41st rule, introduced,

No. 104, H. R. File, A Joint resolution for the preservation of the furniture, &c., belonging to the Territory of Iowa;

On motion,

The 42d rule was suspended, the resolution read the second and third times, passed and its title agreed to.

*Ordered*, That the Council be informed thereof.

On motion of Mr. Patterson,

No. 11, C. File, A Bill to repeal an act entitled, An act to postpone the election of members of the House of Representatives of the Territory of Iowa, from August until April;

Was taken from the table.

Mr. Taylor moved to indefinitely postpone said bill.

Mr. Wilson moved to refer the bill to a select committee with instructions.

Mr. Patterson moved the previous question;

Which was ordered.

Yeas 14; Nays 4.

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Banks, Browne, Clifton, Downey, Flint, Graham, Holland, Hunor, McMichael, Patterson, Shelledy, Woodworth, Wright and McCleary, Speaker.

Those who voted in the negative were—

Messrs. Hancock, Murdock, Taylor and Wilson.



The question recurring on the passage of the bill,  
It was decided in the affirmative;

Yeas 13; Nays 5;

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Browne, Clifton, Flint, Graham, Hancock, Holland, Hunor,  
McMichael, Patterson, Shelledy, Woodworth, Wright and McCleary,  
Speaker.

Those who voted in the negative, were—

Messrs. Banks, Downey, Murdock, Taylor and Wilson.

On motion of Mr. Shelledy,

The House proceeded to consider in committee of the whole House,  
No. 93, H. R. File, A bill for an act regulating the charge of physicians;

Mr. Wilson in the chair; after some spent therein, the committee rose,

Mr. Speaker resumed the chair, and the chairman reported the bill back without amendment.

Mr. Wilson moved indefinitely to postpone the bill.

Mr. Patterson moved to lay the bill on the table;

Which motion was carried.

No. 111, C. File, A Bill to lay out and establish a Territorial road from Fairfield, in Jefferson county, to Keokuk, in Lee county;

Was read the first time.

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Hancock,

Referred to the committee on Roads and Highways.

No. 112, C. File, A Bill to establish a certain Territorial road therein named;

Was read the first time.

On motion,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Shelledy,

Referred to a select committee.

Messrs. Shelledy, Flint and Clifton, were appointed said committee.

No. 113, C. File, A Bill to locate the seat of justice of Buchanan county;



Was read the first time.

On motion,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Murdock,

Referred to a select committee, composed of the Delegation from the Du Buque district.

No. 53, C. File, A Bill fixing the terms of the District court in the Territory of Iowa;

Was read the first time.

On motion,

The 42d rule was suspended, the bill read a second and third times passed and its title agreed to.

Ordered, That the Council be informed thereof.

No. 116, C. File, A Joint Resolution for distributing the laws of the present session;

Was read the first time;

On motion,

The 42d rule was suspended, the resolution read a second time; and,

On motion of Mr. Browne,

Referred to the committee on Claims.

No. 117, C. File, Joint Resolution, approving of the Memphis Convention;

Was read the first time.

The 42d rule was suspended, the resolution read the second and third times, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 118, C. File, A Bill to amend an act entitled, "An act to incorporate the city of Keesauqua;"

Was read the first time; and,

On motion,

The 42d rule was suspended, the bill read a second time; and,

On motion,

Referred to the Delegation from Van Buren county.

No. 120, C. File, A Bill relative to mechanics' liens;

Was read the first time.

On motion,

The 42d rule was suspended, the bill read a second time; and,



On motion of Mr. Clifton,

The bill was referred to a select committee.

Messrs. Clifton, Downey and Murdock, were appointed said committee.

No. 121, C. File, A Bill to legalize the acts of Samuel Shuffleton;

Was read the first time.

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Flint,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 122, C. File, Joint resolution for the relief of George S. Hampton;

ton;

Was read the first time;

On motion,

The 42d rule was suspended, the resolution read a second time; and,

On motion of Mr. Wilson,

Referred to the committee on Claims.

No. 123, C. File, A Bill to authorize David W. Fisher to build a ware house;

Was read the first time.

No. 124, C. File, A Bill for the relief of Muscatine county;

Was read the first time.

No. 125, C. File, Joint resolution to provide for binding the laws;

Was read the first time; and,

On motion,

The 42d rule was suspended, the bill read the second and third times, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 126, C. File, A Joint resolution for the donation of Fort Des-moines to Polk county;

Was read a first time.

On motion,

The 42d rule was suspended, the resolution read the second [and third times, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.



No. 127, C. File, A Bill to change the name of Kishkekosh county;  
Was read the first time.

On motion,  
The 42d rule was suspended, the bill read the second and third times passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 76, H. R. File, A Bill for the organization of the counties of Jasper and Polk;

Was returned from the Council with an amendment.

Which,

On motion,

Was agreed to.

On motion of Mr. Browne,

No. 20, C. File, A Bill to establish a Territorial road from Fort Madison in Lee county, to Mount Pleasant, in Henry county;

Was taken from the table; and,

On motion,

The amendment to the bill was agreed to.

Mr. Banks, having given previous notice, and upon leave being granted, introduced,

No. 106, H. R. File, An act in relation to the re-location of Territorial county roads;

Which,

On motion,

Was laid on the table.

On motion of Mr. Downey,

No. 73, H. R. File, A Bill supplemental to an act to provide for the payment of the debt due the Miner's Bank of Du Buque, approved June 10th, 1845;

Was taken from the table, passed, and the title amended.

Ordered, That the Council be informed thereof.

On motion of Mr. Wilson,

No. 72, C. File, A Bill to amend an act entitled, "An act allowing and regulating writs of attachment," approved February 16th, 1843.

Was read a second time; and,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.



Mr. Shelledy; from the select committee to whom was referred,  
No. 112, C. File, A Bill to establish a certain Territorial road  
therein named;

Reported the same back, without amendment; and,

On motion,

The 42d rule was suspended, and the bill read a third time, passed  
and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 114, C. File, A Bill to amend an act entitled, "An act regula-  
ting practice in the District courts of the Territory of Iowa,"

Was reported back, by the select committee to whom the same was  
referred, with a recommendation that it pass.

The bill was read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

Mr. Browne, upon the suspension of the 41st rule, and leave being  
granted, introduced,

No. 107, H. R. File, A Bill for an act to amend an act entitled, "An  
act to provide for the election of Justices of the peace, &c."

Which was read the first time.

On motion,

The 42d rule was suspended, the bill read the second and third times,  
passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 127, C. File, Joint resolution for the payment of certain per-  
sons therein named;

Was read a first time.

On motion,

The 42d rule was suspended, the resolution read a second time; and,  
Referred to the committee on Claims.

On motion of Mr. Wilson,

*Ordered*, That the House stand adjourned until to-morrow morning  
at 9 o'clock.



JOURNAL OF THE  
FRIDAY MORNING, 9 O'CLOCK.

JANUARY 16, A. D. 1846.

On motion of Mr. Morgan,

The 42d rule was suspended for the balance of the session.

Mr. Browne presented the petition of sundry citizens of Iowa Territory, in relation to the obstructions of the Lower Rapids in the Mississippi river, accompanied by

No. 108, H. R. File,

In accordance with the prayer of said petition;

Which was read; and,

On motion,

Referred to the committee on the Judiciary;

Mr. Patterson presented the petition of sundry citizens of Lee county, in relation to Susannah Cheney;

Which was,

On motion,

Referred to the committee on the Judiciary.

Mr. Murdock, from the select committee, to whom was referred,

No. 113, C. File; An act to locate the seat of justice of Buchanan county;

Reported the same back with an amendment,

Which was not agreed to,

On motion,

The bill was laid upon the table.

Mr. Patterson, from the select committee, to whom was referred,

No. 90, C. File, A Bill to lease the penitentiary;

Reported the same back, with an amendment;

Which was not agreed to.

Mr. Wilson moved to strike out the name of "Coashiek;"

The motion was lost.

Mr. Patterson moved to strike out the name of "Chambers of Muscatine," and insert the name of "Gearhart, of Des Moines;"

Which was lost.

The bill was then read a third time, passed, and its title agreed to.



*Ordered*, That the Council be informed thereof.

Mr. Morgan from the joint committee on enrolments, made the following report, to wit:

MR. SPEAKER:

The joint committee on Enrolments have this day presented to His Excellency, the Governor, for approval, the following acts of the Legislature, to wit:

An act to establish a Territorial road therein named;

An act to re-locate a part of a Territorial road in the county of Lee;

An act to re-locate a part of a Territorial road leading from West Point, in Lee county, to Salem, in Henry county;

An act to provide for an expression of an opinion of the citizens of Du Buque county, for and against township organization;

An act to divorce Andrew M. Fieke, of the county of Van Buren, from his wife, Susan Fieke;

An act to establish a Territorial road in Washington and Keokuk counties.

Mr. Shelledy, upon the suspension of the 41st rule, and leave being granted, introduced,

No. 109, H. R. File, A Bill for an act to authorize the county commissioners of Marion county to select grand and petit jurors;

Which was read the first and second times.

And amended by striking out "24," before grand jurors, and inserting "23;"

The bill was then read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

On motion of Mr. McMichael,

The rule was suspended, and,

No. 81, H. R. File, A Bill to amend an act entitled, "An act to regulate grocery license," approved, January 4th, 1840;

Was taken from the table.

The bill read the second and third times passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

On motion of Mr. Hancock,

No. 62, C. File, A Bill amendatory of an act entitled, "An act for the limitation of actions, &c.," approved February 15th, 1843;



Was referred to a select committee.

Messrs. Hancock, Murdock and Downey were appointed said committee.

No. 103, C. File, A Bill to locate a certain road therein named;

Was read the second and third times;

Passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 124, C. File, A Bill for the relief of Muscatine county;

Was read the second and third times,

Passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 123, C. File, A Bill to authorize David W. Fisher to build a ware house;

Was read a second and third times;

Passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 100, C. File, A Bill to amend an act entitled, "An act for the organization of townships," approved February 17th, 1843;

Was read the second and third times; and,

On motion of Mr. Murdock,

Referred to a select committee.

Messrs. Murdock, McMichael and Hancock were appointed said committee.

No. 105, H. R. File, A Bill to locate a Territorial road therein named;

Was read the second and third times;

Passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 42, H. R. File, A Bill to amend an act entitled, "An act for the limitation of actions, and for avoiding vexatious law suits," approved Feb. 5, 1843;

On motion of Mr. Hancock,

Referred to the same select committee to whom was referred,

No. 62, C. File, A Bill amendatory of an act for the limitations of actions;

No. 99, H. R. File, A Bill to amend an act entitled, "An act to authorize evidence by the oath of parties," approved 20th January, 1843;



Was read a third time; and,

On motion of Mr. Browne,

Laid upon the table.

No. 21, C. File, A Bill to establish a Territorial road from Franklin, in Lee county, to Mt. Pleasant, in Henry county;

Was read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof,

No. 62, H. R. File, A Bill in relation to limited partnership,

Was read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 110, C. File, A Bill to establish a certain Territorial road therein named;

Was read a third time, passed, and its title agreed to.

No. 71, H. R. File, A Bill to amend an act entitled, "An act relative to the probate of wills, executors, administrators, guardians, trustees of minors, and probate courts, and for defining their duties," approved February 13th, 1843;

Was read a third time, passed, and its title agreed to.

No. 64, H. R. File, A Bill to amend an act entitled, "An act relative to divorce, and alimony, and other purposes;

Was read a third time, passed and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 63, H. R. File, A Bill concerning costs;

Was read a third time; and,

On motion of Mr. Hancock,

Referred to a select committee.

Messrs. Murdock, Shelledy and Browne, were appointed said committee.

On motion of Mr. Hancock,

No. 86, C. File, A Bill concerning liens of judgments.

Was referred to a select committee.

Messrs. Hancock, Murdock and Downey, were appointed said committee.

No. 94, H. R. File, A Bill for the organization of the county of Benton;

Was read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.



On motion of Mr. Wilson,

No. 41, H. R. File, Joint resolution;

Was taken from the table; and,

On motion of Mr. Shelledy,

The resolution was amended by striking out "Reports of the Supreme court;"

The resolution as amended, was read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

On motion of Mr. Downey,

No. 101, H. R. File, A Bill to authorize Isabella Crawford to convey certain real estate;

Was taken from the table,

Read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

On motion of Mr. Morgan,

No. 9, H. R. File, A Bill to amend an act regulating interest on money;

Was taken from the table; and,

On motion of Mr. Murdock,

The consideration of said bill was postponed until two o'clock, P. M.

On motion of Mr. McMichael,

No. 50, H. R. File, A Bill to alter and amend an act to provide for levying a tax on real and personal property, for road purposes;

Was taken from the table; and,

Read a third time, passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

On motion of Mr. Wilson,

*Ordered*, That the House stand adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

No. 9, H. R. File, A Bill to amend an act regulating interest on money;

Was taken from the table.

On motion of Mr. Murdock,

The bill was amended.



Mr. Patterson made a motion to indefinitely postpone the bill.

A call of the House was ordered.

Messrs. Banks, Coy, Munger and Wright, were absent.

On motion of Mr. Clifton,

Mr. Coy was excused for the balance of the session.

On motion,

Mr. Banks was excused.

Mr. Munger came in, and the further call of the House was suspended.

The question was then put on the indefinite postponement of the bill.

And decided in the affirmative.

Yeas 11; Nays 8;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Clifton, Flint, Graham, Hancock, Holland, McMichael, Patterson, Shelledy, Woodworth and Wright.

Those who voted in the negative, were—

Messrs. Downey, Hunor, Morgan, Munger, Murdock, Taylor, Wilson and McCleary, Speaker.

So the bill was indefinitely postponed.

Mr. Morgan presented the account of Messrs. Palmers.

Mr. Morgan made a motion to refer the account to the committee on Expenditures, with instructions to allow all the Editors who have furnished the Legislature with newspapers the sum of fifty cents per copy.

Which was decided in the affirmative.

Yeas 11; Nays 8;

The Yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Downey, Graham, Morgan, Munger, Murdock, Patterson, Shelledy, Taylor, Wilson and Speaker.

Those who voted in the negative, were—

Messrs. Clifton, Flint, Hancock, Holland, Hunor, McMichael, Wright and Woodworth.

Mr. Downey, from the committee to whom was referred,



No. 122, C. File, Joint resolution for the relief of George S. Hampton;

Reported the same back without amendment.

Which was read a third time,

Passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 127, C. File, Joint resolution for the payment of certain persons therein named;

Was referred to the committee on Expenditures.

Mr. Murdock presented the account of George Green, editor of the "Miner's Express" for papers;

Which was referred to the committee on Expenditures.

Mr. Murdock offered the following:

*Resolved*, That William Thompson be allowed the sum of two hundred and fifty dollars, for superintending the printing of, indexing, and distributing, the Journals of the House of Representative of the present session.

Which was,

On motion of Mr. Taylor,

Laid on the table.

No. 118, C. File, A Bill to amend an act entitled, "An act to incorporate the city of Keosauqua;

Was read a third time,

Passed, and its title agreed to.

*Ordered*, That the Council be informed thereof,

Mr. Murdock, from the committee to whom was referred,

No. 63, H. R. File, A Bill concerning costs;

Reported the same back to the House, with a recommendation that the bill be indefinitely postponed.

Which was concurred in by the House.

So the bill was indefinitely postponed.

Mr. Downey, from the committee on Claims, to whom was referred, No. 116, C. File, A Joint Resolution for distributing the laws of the present session;

Reported the same back with a substitute.

Which was read a first time; and,

Laid on the table.

Mr. Wright, from the committee on Roads and Highways, reported,



No. 109, H. R. File, A Bill for an act to re-locate a part of a Territorial road in Muscatine and Cedar counties;

Which was read severally, a first, second and third times,

Passed, and its title agreed to.

Also,

No. 111, C. File, A Bill to lay out and establish a Territorial road from Fairfield, in Jefferson county, to Keokuk, in Lee county;

Which was read a third time,

Passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

No. 101, C. File, A Bill concerning security;

Was read a first and second times; and,

Referred to the committee on the Judiciary, with instructions to report this evening.

No. 128, C. File, Joint resolution in relation to Jacob Hunor and E. W. Davis;

Was read a first and second time; and,

Referred to the committee on Expenditures.

No. 129, C. File, A Bill to amend an act entitled, "An act subjecting real and personal property to execution;

Was read a first and second times; and,

On motion of Mr. Flint,

Laid upon the table.

No. 62, H. R. File, A Bill in relation to limited partnership,

Having been returned from the Council with an amendment, was taken up, and the amendment disagreed to.

Mr. Morgan from the joint committee on enrolments, made the following report, to wit:

MR. SPEAKER:

The joint committee on Enrolments have this day presented to His Excellency, the Governor, for approval, the following acts of the Legislature, to wit:

An act to re-locate a Territorial road therein named;

An act to legalize the assessment of taxes for Iowa county;

An act to levy an additional tax for Territorial purposes;

An act to declare a certain Territorial road therein named, a Territorial road;

An act to locate a Territorial road from Ottumwa, in Wapello county, to Bloomfield, in Davis county;



An act for the relief of Samuel C. Reed;

An act declaring a road herein named to be a Territorial road;

A Joint Resolution asking an appropriation for a bridge on Skunk river at Lowell, in Henry county, Iowa;

A Joint resolution for the adjournment of the Legislature, *sine die*;

An act amendatory of an act entitled, "An act to incorporate Iowa City University, Approved June 2d, 1845;

Joint Resolution providing for the printing of the laws;

Joint resolution providing for a full set of seals for the counties of Kishkekosh and Appanoose;

An act to declare a certain road therein named, a Territorial road;

An act to amend an act entitled, "An act to amend an act entitled, 'an act concerning grand and petit jurors,'" approved February, 15th, 1844;

An act to locate a Territorial road therein named;

Joint Resolution providing for a set of seals for the counties of Iowa, Marion, Jasper and Polk;

An act supplemental to an act to establish new counties, and define their boundaries;

An act to vacate a part of the town of Franklin, in the county of Lee;

An act to define a perch of mason work in Iowa;

An act to locate a Territorial road from Wapello in Louisa county, to Augusta, in Des Moines county;

And,

An act to amend an act entitled, "An act concerning water crafts found adrift, lost goods and estray animals;

The above acts were then signed by the Speaker of the House of Representatives.

No. 81, H. R. File, A Bill to amend an act entitled, "An act to regulate grocery license," approved, January 4th, 1840;

Having been amended by the Council, was taken up, and the amendment agreed to.

Mr. Taylor, from the committee on Claims to whom was referred, sundry claims, made a report;

Which was,

On motion of Mr. Downey,

Amended, by striking out "two dollars" as allowed to Peter Roberts, and inserting "three dollars;"



The report, as amended, was then adopted.

On motion of Mr. Downey,

No. 116, C. File, Joint resolution for distributing the laws of the present session;

Was taken from the table; and,

The word "Journals" was stricken out.

On motion,

"Two hundred" was stricken out, and "one hundred" inserted.

Mr. Hancock moved to strike out "T. M. Irish," and insert "J. A. Galliber;"

Which was lost.

Mr. Murdock moved to insert "fifty" after "one hundred."

Which was decided in the negative.

Yeas 6; Nays 11.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Downey, Morgan, Munger, Murdock, McMichael, McCleary, Speaker.

Those who voted in the negative were—

Messrs. Browne, Clifton, Flint, Hancock, Holland, Patterson, Shelledy, Taylor, Wilson, Woodworth and Wright.

The resolution was read a third time,

Passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

The following messages were received from the Council by Mr. Kinney, their Secretary:

MR. SPEAKER:

I am instructed by the Council to inform the House of Representatives that the Council have passed,

No. 41, H. R. File, Joint Resolution;

No. 64, H. R. File, A Bill to amend an act entitled, "An act relative to divorce, and alimony, and other purposes;

No. 71, H. R. File, A Bill to amend an act entitled, "An act relative to the probate of wills, executors, administrators, guardians, trustees of minors, and probate courts, and for defining their duties," approved February 13th, 1843;

No. 73, H. R. File, A Bill supplemental to an act to provide for



the payment of the debt due the Miner's Bank of Du Buque, approved June 10th, 1845;

No. 94, H. R. File, A Bill for the organization of the county of Benton;

No. 101, H. R. File, A Bill to authorize Isabella Crawford to convey certain real estate;

No. 105, H. R. File, A Bill to locate a Territorial road therein named;

No. 109, H. R. File, A Bill for an act to authorize the county commissioner of Marion county, to select grand and petit jurors;

The Council have indefinitely postponed—

No. 54, H. R. File, A Bill to locate a road from Brighton to Jefferson county;

I herewith present for your signature—

A memorial to Congress for the purpose of settling the question of boundary between the Territory of Iowa, and the State of Missouri;

An act to repeal an act entitled, "An act to postpone the election of members of the House of Representatives of the Territory of Iowa, from August until April;

MR. SPEAKER:—

I am instructed by the Council to inform the House of Representatives that the Council have passed,

No. 131, C. File, Joint Resolution;

No. 132, C. File, A Joint Resolution relative to publishing act for a State Government;

In which the concurrence of the House of Representatives is requested.

The Council have receded from their amendment to

No. 62, H. R. File, Joint Resolution in relation to limited partnership;

MR. SPEAKER:—

I am directed to inform the House of Representatives that the Council have passed,

No 101, C. File, A Bill concerning security;

No. 128, C. File, Joint Resolution relative to paying the committee for examining into the affairs of the Penitentiary;

No. 129, C. File, A Bill to amend an act entitled, "An act subjecting real and personal estate to execution;



In which the concurrence of the House of Representatives is requested.

The Council have passed with amendments—

No. 62, H. R. File, A Bill relative to limited partnerships;

Also,

No. 81, H. R. File, A Bill to amend an act entitled, "An act to regulate grocery license," approved Jan. 4th, 1840.

In which amendments the concurrence of the House of Representatives is requested.

The Council have agreed to the amendment of the House of Representatives, to

No. 59, C. File, A Memorial to Congress for the purpose of settling the question of boundary between the Territory of Iowa and State of Missouri.

The Council have passed without amendment—

No. 62, H. R. File, A Bill providing for the re-location of the county seat of Jones county;

No. 63, H. R. File, A Bill to provide for the printing, publication and preservation of the decisions of the Supreme court of Iowa Territory;

No. 90, H. R. File, A Bill authorizing the Governor of Iowa Territory to employ counsel in cases growing out of the disputed boundary between the Territory and the State of Missouri;

No. 92, H. R. File, A Bill to locate a Territorial road therein named;

No. 97, H. R. File, Joint resolution for a mail route;

No. 98, H. R. File, Joint resolution for an appropriation to improve the Territorial road across the Mississippi bottom between 'Toolsboro' and the Mississippi river;

No. 100, H. R. File, A Bill to divorce Mary Ann P. Bidaman from her husband, Lewis Bidaman;

No. 104, H. R. File, Joint Resolution;

I herewith present for your signature—

An act to locate and establish a Territorial road from Bush's mills in Jefferson county, to the Des Moines river, in Van Buren county;

An act to vacate a part of Rockingham;

An act for the relief of the sheriff of Du Buque county;

An act to legalize the survey of a certain town in Linn county;

An act to provide for the election of Delegates to a Convention to form a Constitution and State Government;



I herewith return—

An act to re-locate a Territorial road;

An act to legalize the assessment of taxes for Iowa county;

An act to levy an additional tax for Territorial purposes;

An act to declare a certain road therein named, a Territorial road;

An act to locate a Territorial road from Ottumwa to Bloomfield;

An act for the relief of Samuel C. Reed;

An act to declare a certain road a Territorial road;

Joint resolution asking an appropriation for a bridge over Skunk river;

Joint resolution for the adjournment of the Legislature, *sine die*;

All of which have been signed by the President of the Council.

And then he withdrew.

Mr. Hancock offered the following resolution:

*Resolved*, That J. A. Galliher be allowed the sum of one hundred dollars for distributing the journals of the House of Representatives of the present session.

Mr. Murdock moved to strike out "J. A. Gallaher" and insert "William Thompson;"

Which was decided in the affirmative;

Yeas 10; Nays 7;

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Clifton, Morgan, Murdock, McMichael, Patterson, Taylor, Wilson, Woodworth, Wright and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Browne, Downey, Flint, Hancock, Holland, Munger and Shelledy.

Mr. Downey moved to lay the resolution on the table;

Which was lost.

Yeas 7; Nays 10.

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Clifton, Downey, Flint, Hancock, Holland, Munger and Shelledy.

Those who voted in the negative, were—

Messrs. Browne, Morgan, Murdock, McMichael, Patterson, Taylor, Wilson, Woodworth and McCleary, Speaker.



Mr. Murdock moved to adopt the following as a substitute:

"Resolved, That William Thompson be allowed the sum of two hundred and fifty dollars for superintending the printing of, indexing and distributing the journals of the House of Representatives of the present session."

Mr. Flint moved to strike out "two hundred and fifty" and insert "one hundred."

A division of the question was called for, and the question being on striking out, the House refused to strike out.

Yeas 8; Nays 9;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Clifton, Downey, Flint, Hancock, Holland, Munger, Patterson and Shelledy.

Those who voted in the negative, were—

Messrs. Browne, Morgan, Murdock, McMichael, Taylor, Wilson, Woodworth, Wright and McCleary, Speaker.

The question being on the adoption of the resolution,

It was decided in the affirmative.

Yeas 12; Nays 6;

The Yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Clifton, Downey, Morgan, Murdock, McMichael, Taylor, Wilson, Woodworth, Wright and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Flint, Hancock, Holland, Munger, Patterson and Shelledy.

Message from the Council was taken up; and,

No. 131, C. File, Joint Resolution in relation to the distribution of the laws;

Was read the first second and third times;

Passed, and its title agreed to.

No. 132, C. File, A Joint Resolution relative to publishing act for a State Government;

Was read a first, second and third times,

Passed, and the title agreed to.

Ordered, That the Council be informed thereof.



On motion,

*Ordered*, That the House stand adjourned until 7 o'clock, this evening.

SEVEN O'CLOCK.

Mr. Downey, from the committee on the Judiciary, to whom was referred,

No. 114, C. File, A Bill to amend an act entitled, "An act regulating practice in the District courts of the Territory of Iowa;

Reported the same back to the House, and recommended its passage.

The bill was then read a third time,

Passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

Mr. Hancock from the select committee, to whom was referred,

No. 86, C. File, A Bill concerning liens of judgments.

Reported the same back, and recommended its passage.

The bill was read a third time,

Passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

Mr. Downey moved to re-consider the vote just taken on

No. 86, C. File, A Bill concerning liens of judgments;

Which was done.

Mr. Downey moved to amend said bill by adding the following to the first section of said bill:

"Provided, Said equitable interest does not appear of record, in the county where said real estate is situated;"

Which was adopted.

The bill was then read third a time,

Passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

On motion of Mr. Browne,

No. 129, C. File, A Bill to amend an act entitled, "An act subjecting real and personal property to execution;"

Was taken from the table; and,

The question being—"Shall said bill be read a third time now?"

It was decided in the negative.

Yeas 9; Nays 9.



The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Browne, Downey, Hunor, Morgan, Murdock, Patterson, Taylor, Wilson and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Clifton, Flint, Graham, Hancock, Holland, McMichael, Shelledy Woodworth and Wright.

Mr. Browne moved that said bill be read a third time to-morrow.

Pending which,

A call of the House was ordered, when it appeared that,

Messrs. Banks and Munger were absent.

On motion,

Mr. Banks was excused.

On motion,

The further call of the House was dispensed with.

Mr. Murdock moved to re-commit to a select committee,

No. 129, C. File, A Bill to amend an act entitled, "An act subjecting real and personal property to execution;

Which was carried.

Messrs. Murdock, Browne and Hancock were appointed said committee.

On motion of Mr. Downey,

Ordered, That the House stand adjourned until to-morrow morning 9 o'clock.

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## SATURDAY MORNING, 9 O'CLOCK.

JANUARY 17th, A. D. 1846.

A message was received from the Council by Mr. Kinney, their Secretary,

MR. SPEAKER:—

I herewith present eighteen acts for your signature.

And then he withdrew.

Mr. Clifton from the select committee, to whom was referred,



No. 120, C. File, A Bill to amend an act entitled, "An act relative to mechanics' liens, and other purposes," approved 13th February, 1843;

Reported the same back, and recommended its indefinite postponement.

The question being on the indefinite postponement;

It was carried in the affirmative.

On motion of Mr. Murdock,

No. 113, C. File, An act to locate the seat of justice of Buchanan county;

Was taken from the table.

Mr. Wilson moved to amend said bill by striking out the name of S. J. Durham" of Cedar county, and inserting "Theophilus Crawford," of Du Buque;

Which was agreed to; and,

The bill as amended, was read a second and third times,

Passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

Mr. Murdock moved to take from the table,

No. 99, H. R. File, A Bill to amend an act entitled, "An act to authorize evidence by the oath of parties," approved 20th January, 1843;

Mr. Woodworth moved a call of the House;

Which was had,

Messrs. Downey, Hancock, McMichael and Talyor, the absentees, appearing, the further call of the House was suspended.

The question being on ordering the bill to a third reading,

It was decided in the negative.

Yeas 7; Nays 13;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Banks, Downey, Flint, Morgan, Murdock, Wilson and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Browne, Clifton, Graham, Hancock, Holland, Hunor, Morgan, McMichael, Patterson, Shelledy, Taylor, Woodworth and Wright,

Mr. Clifton made a motion that the bill be indefinitely postponed,

Which was decided in the affirmative.



Yeas 15; Nays 4.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Clifton, Flint, Graham, Hancock, Holland, Hunor, Morgan, Munger, McMichael, Patterson, Shelledy, Taylor, Woodworth and Wright.

Those who voted in the negative, were—

Messrs. Downey, Murdock, Wilson and McCleary, Speaker.

So the bill was indefinitely postponed.

The following messages were received from the Council by Mr. Kinney, their Secretary:

MR. SPEAKER:

I herewith return sixteen acts, the same having been signed by the President of the Council.

MR. SPEAKER:—

I am instructed by the Council to inform the House of Representatives that the Council have passed,

No. 109, H. R. File, A Bill for an act to re-locate a part of a Territorial road in Muscatine and Cedar counties;

The Council have agreed to the amendment of the House of Representatives, to

No. 86, C. File, A Bill concerning liens of Judgments;

Also,

No. 113, C. File, A Bill to locate the seat of justice of Buchanan county;

And then he withdrew.

Mr. Clifton made a motion to re-consider the vote taken on the postponement of

No. 120, C. File, A Bill relative to mechanics' liens;

Which was decided in the negative.

Yeas 7; Nays 12.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Clifton, Graham, Hunor, Morgan, Munger and Patterson.

Those who voted in the negative were—

Messrs. Downey, Flint, Hancock, Holland, Murdock, McMi-



chael, Shelledy, Taylor, Wilson, Woodworth, Wright and McCleary, Speaker.

The following message was received from the Council, by Mr. Kinney their Secretary:

MR. SPEAKER:—

I am directed to inform the House of Representatives, that the Council have disagreed to the amendment of the House, to

No. 116, C. File, Joint resolution for distributing the laws of the present session;

Mr. Flint made a motion that the House recede from their amendment to

No. 116, C. File, Joint resolution for distributing the laws of the present session;

Which was decided in the negative,

Yeas 4; Nays 15;

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Flint, Hancock, Holland and Wilson.

Those who voted in the negative, were—

Messrs. Browne, Clifton, Downey, Graham, Hunor, Morgan, Munger, Murdock, McMichael, Patterson, Shelledy, Taylor, Woodworth, Wright and McCleary, Speaker.

So the House refused to recede.

A message was received from the Council, by Mr. Kinney, their Secretary:

MR. SPEAKER:—

I am directed to inform the House of Representatives that the Council have appointed Messrs. Abbe and Coop a committee of Conference in relation to the disagreeing vote of the two Houses upon

No. 116, C. File, Joint resolution for distributing the laws of the present session;

And then he withdrew.

On motion of Mr. McCleary,

The House appointed Messrs. Browne, Downey and Flint a committee on the part of the House, on the disagreeing vote of the two Houses on,

No. 116, C. File, Joint resolution in relation to the distribution of the laws of the present session;



Mr. Downey from the committee on the Judiciary, to whom was referred the petition of sundry citizens of Lee county, reported,

No 110, H. R. File, A Bill to authorize Susannah Cheny to convey certain real estate;

Which was read a first, second and third times,

Passed, and its title agreed o.

*Ordered*, That the Council be informed thereof.

On motion of Mr. Murdock,

The committee on Expenditure was requested to report immediately.

A message was received from the Council by Mr. Kinney, their Secretary.

MR. SPEAKER:—

I am instructed by the Council to inform the House of Representatives that the Council have passed,

No. 110, H. R. File, A Bill to authorize Susannah Cheny to convey certain real estate therein named;

And then he withdrew.

Mr. Browne from the committee of Conference on the part of the House on the disagreeing vote of the two Houses, on

No. 116, C. File, Joint resolution providing for the distribution of the laws;

Reported, that said committee had agreed to disagree; and,

On motion,

The report was agreed to.

Mr. McMichael from the committee on Expenditures, reported

No. 111, H. R. File, A Bill to provide for the compensation of the members of the present Legislature, and for other purposes;

Which was read a first and second times; and,

On motion,

The House resolved itself into committee of the whole House for the consideration of said bill,

Mr. Morgan in the chair,

After some time spent therein, the committee rose, and reported said bill back to the House, with sundry amendments;

Which,

On motion,

Was agreed to.



The bill was read a third time,

Passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

A message was received from the Council by Mr. Kinney their Secretary;

MR. SPEAKER:—

I herewith return sixteen acts,

The same having been signed by the President of the Council.

The Council have agreed to the report of the committee of Conference in relation to the disagreeing vote on

No. 116, C. File, Joint resolution for distributing the laws of the present session;

And then he withdrew.

Mr. Downey made a motion that the House appoint another committee of Conference on the disagreeing vote of the two Houses upon

No. 116, C. File, Joint resolution for distributing the laws of the present session;

Messrs. Downey, Hancock and Patterson, were appointed said committee.

Mr. Downey, upon leave being granted, introduced,

No. 112, H. R. File, Joint resolution in relation to S. C. Trowbridge;

Which was read the first, second and third times;

Passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

On motion of Mr. Taylor,

*Ordered*, That the House stand adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

A quorum not being present, a call of the House was had.

When it appeared that,

Messrs. Banks, Downey, Flint, Hunor, Munger, Shelledy, Taylor, Wilson and Wright were absent.

On motion,

Messrs. Banks and Hunor were excused.

The other absentees appearing, a further call of the House was dispensed with.



On motion of Mr. Murdock,

No. 83, H. R. File, Joint resolution relative to James D. Bourne;

Was taken from the table, read a third time,

Passed, and its title agreed to.

*Ordered*, That the Council be informed thereof.

The Speaker presented a communication from James Clark, Governor, returning an act for the relief of Samuel C. Reed.

Which was as follows:

EXECUTIVE OFFICE, IOWA CITY,

January 17th, 1846.

The bill entitled, "An act for the relief of Samuel C. Reed;" being of such a character as to compel me to withhold my approval, I herewith return the same to the House of Representatives, where it originated, with these my objections.

The claim of Mr. Reed, amounting to one hundred and eighty-three dollars and fifteen cents, is for provisions furnished the militia called into the service by the U. S. Marshal, in the winter of 1839-40, to support the civil authorities of the Territory in maintaining jurisdiction over a certain portion of Van Buren county.

The bill herewith returned, provides for the payment of this claim out of the Territorial Treasury, with six per cent. interest thereon from 13th December, 1839; the whole, when taken together, exceeds the sum of two hundred and fifty dollars.

However just and equitable may be this claim, I should regard its payment out of our local treasury, as a virtual assumption of the whole debt accruing out of our difficulties with Missouri, with a sum of interest exceeding one-third of the original amount added thereto.

The Territory cannot, without justly subjecting itself to the charge of partiality in the distribution of its favors, select out one particular claimant for relief, and reject similar accounts brought forward by others. Those who furnished arms, clothing, and other munitions of war, as well as the militia who turned out on the occasion in question, have equal claims for remuneration with those who furnished provisions, and the obligation rests upon us morally, if not legally, to treat them with equal favor. The recognition of the account of Mr. Reed as legitimately chargeable to the Territory, viewed in this light, assumes an importance that otherwise could not attach to it; for instead of merely authorizing the liquidation of a demand of some two hundred and fifty dollars, as provided for in the bill, its inevitable effect would be to en-



tail upon the Treasury a debt of from twenty to thirty thousand dollars.

Lieut. Ruggles, of the U. S. Army, under instructions from the war Department which prevented him from embracing a large number of well founded claims in his estimate, reported according to my recollection, the amount properly payable out of the National Treasury, in consequence of the boundary dispute, to be something upwards of thirteen thousand dollars; an amount which could scarcely fail to be augmented to twenty thousand, by the admission of the rejected items,

To this heavy sum, carrying out the principles of the bill returned, interest would have to be added at the rate of six per cent. per annum. for six years, amounting to 7,200 dollars, which would swell the public liabilities from this one cause to the alarming aggregate of twenty-seven thousand, two hundred dollars. Sympathising, as I do, with those who are sufferers on account of the aid rendered by them in assisting the Governor and Marshal to maintain jurisdiction, I cannot, consistent with my sense of duty, consent to be instrumental in imposing upon the people of Iowa such a momentous load of debt.

Although our repeated applications for compensation from the General Government have thus far been ineffectual, I do not despair of ultimate success before Congress. The fact of a bill authorising payment, having passed the House of Representatives upon one or two occasions, taken in connexion with the course pursued by the War Department in examining into and ascertaining the amount of the claims, affords strong grounds for the belief, that with the increased weight and influence which our admission into the Union as a State, will give us at Washington, some relief measure can be carried through. The payment or assumption of these expenses, or any portion of them, by the Territorial Legislature, it must be apparent, would materially lessen, if indeed, it did not wholly destroy all hope of this kind. Were the claim for which the bill provides payment an isolated one, my desire to co-operate with the Legislative Assembly in all its acts, might have prevented me from interposing any objection to its payment out of the Territorial Treasury, notwithstanding the impropriety and impolicy of allowing interest upon such accounts; but satisfied, as I am, that, should the bill once become a law, it will open the door to numberless other claims of a similar character, and finally lead to the assumption of all the expenses attending the Missouri difficulty, I feel reluctantly constrained to withhold my assent to the bill.

JAMES CLARKE.

The House then proceeded to re-consider the act; and,



The question being, "shall said act pass, notwithstanding the objections of the Governor?"

It was decided in the negative.

Yeas 2; Nays .18

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Downey and Hancock.

Those who voted in the negative, were—

Messrs. Banks, Browne, Clifton, Flint, Graham, Holland, Hunor, Morgan, Munger, Murdock, McMichael, Patterson, Shelledy, Taylor, Wilson, Woodworth, Wright and McCleary, Speaker.

So the act did not pass.

Mr. Morgan, from the committee on Enroled Bills, reported that said committee had examined and found correctly enroled the following Acts and Joint Resolutions:

An act to authorize the Governor of Iowa Territory to employ counsel in cases growing out of the disputed boundary between the Territory and the State of Missouri;

An act to locate a Territorial road therein named;

An act to authorize Susannah Cheny to convey certain real estate therein named;

An act to re-locate a part of a Territorial road in Muscatine and Cedar counties;

An act in relation to limited partnerships;

An act to organize the county of Benton;

Joint resolution relative to furniture, books and stationery belonging to the Territory;

Joint resolution for an appropriation to improve the Territorial road across the Mississippi bottom between Toolsboro' and the Mississippi river;

Joint resolution relative to the transmission of the laws and journals to the different States and Territories;

Joint resolution for a mail route;

An act providing for the re-location of the county seat of Jones county;

An act to amend an act entitled, "An act to incorporate the city of Keosauqua;"

An act to amend an act entitled, "An act to regulate grocery license," approved, January 4th, 1840;



An act to provide for the printing, publication and preservation of the decisions of the Supreme court of Iowa Territory;

An act to provide for the payment of the claims of the creditors of the Territory;

An act to authorize the county commissioners of Marion county to select grand and petit jurors;

An act to amend an act entitled, "An act relative to the probate of wills, executors, administrators, guardians, trustees of minors, and probate courts, and for defining their duties," approved February 15th, 1843;

An act to authorize Isabella Crawford to convey certain real estate;

An act to locate a Territorial road therein named;

An act to divorce Mary Ann P. Bidman from her husband, Lewis Bidman;

An act to amend an act entitled, "An act relative to divorce, and alimony, and other purposes;

Mr. Murdock from the select committee, to whom was referred,

No. 129, C. File, A Bill to amend an act entitled, "An act subjecting real and personal property to execution;"

Reported the same back with amendments, which were agreed to.

The bill was read a third time; and,

The question being, "Shall said bill pass?"

It was decided in the negative.

Yeas 9; Nays 10;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Downey, Graham, Munger, Murdock, Patterson, Taylor, Wilson and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Banks, Clifton, Flint, Hancock, Hunor, Morgan, McMichael, Shelledy, Woodworth and Wright.

So the bill did not pass.

A message was received from the Council by Mr. Kinney, their Secretary.

MR. SPEAKER:—

I am instructed by the Council to inform the House of Representatives that the Council have passed,

No. 112, H. R. File, Joint resolution in relation to S. C. Trowbridge;



MR. SPEAKER:

I herewith present for your signature—

Joint resolution for the relief of George S. Hampton;

And then he withdrew.

On motion,

The House took a recess of one hour.

The House resumed its session.

Mr. Downey moved to postpone indefinitely,

No. 140, C. File, Joint resolution relative to the distribution of the laws;

On leave, the motion was withdrawn.

Mr. Downey moved to strike out the name of "Jesse Williams," and insert the name of "F. M. Irish."

A division of the question was demanded; and,

On the motion "to strike out,"

It was decided in the affirmative.

So the name of Jesse Williams was stricken out.

Mr. Banks moved to fill the blank with the name of "John B. Russell."

Which was decided in the negative.

Mr. Downey moved to fill the blank with the name of "Frederick M. Irish;"

Which was decided in the affirmative.

Yeas 14; Nays 6;

The Yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Clifton, Downey, Graham, Hunor, Munger, Murdock, McMichael, Patterson, Shelledy, Taylor, Woodworth, Wright and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Banks, Flint, Hancock, Holland, Morgan, and Wilson.

The resolution was read a third time,

Passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 111, H. R. File, A Bill to provide for the compensation of the members of the present Legislature, and for other purposes;



Was taken up, as amended by the Council.

On motion,

The amendments were agreed to.

No. 88, C. File, A Bill for the relief of J. H. McKenney;

Was reported back from the committee on Expenditures; and,

On motion,

Was laid upon the table.

On motion of Mr. Banks;

No. 106, H. R. File, An act in relation to the re-location of Territorial and county roads;

Was taken from the table, read a third time,

Passed, and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. McMichael from the committee on Expenditures, to whom was referred,

No. 128, C. File, Joint resolution in relation to Jacob Hunor and E. W. Davis;

Reported the same back.

On motion of Mr. Murdock,

The resolution was indefinitely postponed.

On motion,

Ordered, That the House stand adjourned until 7 o'clock, this evening.

#### SEVEN O'CLOCK.

Mr. Morgan moved to take from the table a joint resolution for the relief of John H. McKenny;

Waich was lost;

The following message was received from the Council, by Mr. Kinney their Secretary:

MR. SPEAKER:—

I am directed to inform the House of Representatives, that the Council have passed,

No. 106, H. R. File, An act relative to the re-location of Territorial and county roads;

I herewith present for your signature—

An act to amend an act to incorporate the city of Keosauqua;



An act concerning liens of Judgments;

An act to incorporate the city of Du Buque;

The Council have indefinitely postponed,

No. 11, H. R. File, Joint resolution requesting our Delegate to procure an appropriation to improve the navigation of the Des Moines river;

And then he withdrew.

Mr. Hunor moved to re-consider the vote taken on

No. 129, C. File, A Bill to amend an act entitled, "An act subjecting real and personal property to execution;

Which was decided in the affirmative.

Yeas 11; Nays 8;

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Browne, Downey, Graham, Holland, Hunor, Munger, Murdock, Patterson, Taylor, Wilson and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Banks, Clifton, Flint, Hancock, McMichael, Shelledy, Woodworth and Wright.

So the bill was re-considered.

A message was received from the Council, by Mr. Kinney, their Secretary:

MR. SPEAKER:—

The Council have amended the amendment of the House of Representatives to

No. 140, C. File, Joint resolution relative to the distribution of the laws;

By striking out the name of "F. M. Irish," and inserting the name of "J. A. Galliher;"

The question being on agreeing to the amendment of the Council,

It was decided in the negative.

Yeas 7; Nays 13.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Banks, Flint, Hancock, Holland, Morgan, Wilson and Wright.

Those who voted in the negative, were—



Messrs. Browne, Clifton, Downey, Graham, Munger, Murdock, McMichael, Patterson, Shelledy, Taylor, Woodworth and McCleary, Speaker.

So the House refused to concur.

Mr. Downey on leave, introduced,  
No. 113, H. R. File, Joint resolution;

Which was read the first, second and third times;  
Passed, and its title agreed to.

Ordered, That the Council be informed thereof.

A message was received from the Council by Mr. Kinney their Secretary;

MR. SPEAKER:—

The Council have passed—

No. 141, C. File, Joint resolution relative to the distribution of the laws passed the present session.

In which the concurrence of the House of Representatives is requested.

The Council have passed—

No. 113, H. R. File, Joint resolution;  
And then he withdrew.

Mr. Morgan from the joint committee on enrolments, made the following report, to wit:

MR. SPEAKER:—

The joint committee on Enrolments have this day presented to His Excellency, the Governor, for approval, the following acts of the Legislature, to wit:

An act to declare a certain Territorial road therein named, a Territorial road;

An act amendatory of an act entitled, "An act to incorporate Iowa City University," approved 2d June, 1845;

An act supplemental to an act to establish new counties, and define their boundaries;

An act to vacate a part of the town of Franklin, in the county of Lee;

An act to define a perch of mason work in Iowa;

An act for the organization of the counties of Jasper and Polk;

An act to locate a Territorial road from Wapello in Louisa county, to Augusta, in Des Moines county;



- An act to locate a Territorial road therein named;
- An act to authorize the county commissioners of Marion county to select grand and petit jurors;
- An act to amend an act entitled, "An act concerning water crafts found adrift, lost goods and estray animals;
- An act to lay out and establish a Territorial road from Iowa City to Fort Des Moines;
- An act to authorize the Governor of Iowa Territory to employ counsel in cases growing out of the disputed boundary between the Territory and the State of Missouri;
- An act to amend an act entitled, "An act relative to divorce, and alimony, and other purposes;
- An act to provide for the printing, publication and preservation of the decisions of the Supreme court of Iowa Territory;
- An act to locate a Territorial road therein named;
- An act to amend an act entitled, "An act to amend an act entitled, 'an act concerning grand and petit jurors,' approved February, 15th, 1844;
- An act to amend an act entitled, "An act to regulate grocery license," approved, January 4th, 1840;
- An act to provide for the payment of the claims of the creditors of the Territory;
- An act to amend an act entitled, "An act relative to the probate of wills, executors, administrators, guardians, trustees of minors, and probate courts, and for defining their duties," approved February 15th, 1843;
- An act to authorize Isabella Crawford to convey certain real estate;
- An act to locate a Territorial road therein named;
- An act to divorce Mary Ann P. Bidman from her husband, Lewis Bidman;
- An act providing for the re-location of the county seat of Jones county;
- Joint resolution on mail routes;
- Joint resolution providing for a full set of seals for the counties of Kishkekosh and Appanoose;
- Joint resolution providing for the printing of the Laws;
- Joint Resolution providing for a set of seals for the counties of Iowa, Marion, Jasper and Polk;
- Joint resolution relative to a mail route;



Joint resolution for an appropriation to improve the Territorial road across the Mississippi bottom between Toolsboro' and the Mississippi river;

Joint resolution relative to the transmission of the laws and journals to the different States and Territories;

A joint resolution for a mail route;

Joint resolution relative to furniture, books and stationery belonging to the Territory;

An act to authorize Susannah Cheney to convey certain real estate therein named;

An act to re-locate a part of a Territorial road in Muscatine and Cedar counties;

An act in relation to limited partnerships;

An act to organize the county of Benton;

Joint Resolution;

An act providing for the compensation of the members of the present Legislature, and for other purposes;

Mr. Wilson offered the following resolution:

"Resolved, That the use of this Hall be allowed to the Supreme court, as long as they remain in session after Monday next;

Which was adopted.

Mr. Taylor, on leave being granted, introduced,

No. 114, H. R. File, Joint resolution;

Which was read a first, second and third times,

Passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 141, C. File, Joint resolution in relation to the distribution of the laws;

Was read a first and second times.

Mr. Downey moved to strike out the name of "George Hepner" and insert the name of "F. M. Irish;"

Which was decided in the negative.

Yeas 10; Nays 10;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Clifton, Downey, Graham, Munger, Murdock, Shelledy, Taylor, Woodworth and McCleary, Speaker.

Those who voted in the negative, were—



Messrs. Banks, Flint, Hancock, Holland, Hunor, Morgan, McMichael, Patterson, Wilson and Wright.

So the name was not stricken out.

Mr. Murdock moved to lay said resolution on the table;

Which was lost.

The question being on laying the resolution on the table;

It was decided in the negative.

Yeas 10; Nays 10;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Clifton, Downey, Graham, Hunor, Munger, Murdock, Shelledy, Taylor and Woodworth.

Those who voted in the negative, were—

Messrs. Banks, Flint, Hancock, Holland; Morgan, McMichael, Patterson, Wilson, Wright and McCleary, Speaker.

The question being on ordering the resolution to a third reading,

It was decided in the negative.

Yeas 10; Nays 10.

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Banks, Hancock, Holland, Morgan, McMichael, Patterson, Wilson, Wright and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Browne, Clifton, Downey, Graham, Hunor, Munger, Murdock, Shelledy, Taylor and Woodworth

On motion of Mr. Murdock,

The House adjourned until seven o'clock, Monday morning next.

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MONDAY MORNING, 7 O'CLOCK.

JANUARY 19th, A. D. 1846.

On motion of Mr. Browne,

*Ordered*, That a committee be appointed to wait upon the Council



and inform that body that the House have finished their business, and are now ready to adjourn *sine die*.

Mr. Browne was appointed said committee; who,

After being absent a few minutes, reported that he had performed the duty assigned him.

Mr. Summers, as a committee on the part of the Council waited upon the House, and informed it, that the Council had finished its business, and was now ready to adjourn *sine die*.

A message was received from the Council by Mr. Kinney, their Secretary.

MR. SPEAKER:—

I am directed to inform the House that the Council have appointed Messrs. Summers and Coop a committee on the part of the Council to act with a similar committee to be appointed on the part of the House to wait upon His Excellency, the Governor, and inform him that the two Houses have concluded their business, and are now ready to adjourn; and to ascertain whether he has any further communication to make them.

On motion of Mr. Downey,

*Ordered*, That a similar committee on the part of the House be appointed.

Messrs. Downey and Patterson were appointed said committee.

*Ordered*, That the Council be informed thereof.

The committee then retired for a few minutes, and returned.

Mr. Downey from said committee, reported that they had performed the duty assigned them; and that the Governor had no further communication to make.

On motion of Mr. Morgan,

*Ordered*, That the House do now stand adjourned, *sine die*.

Mr. McCleary, Speaker, then addressed the House as follows:

GENTLEMEN,—

The hour has at length arrived when we must part, and our official connexion as members of the House of Representatives, be dissolved, and we return to our respective places of abode. But, before separating, gentlemen, permit me to return you my thanks for the kindness and courtesy, extended to me in the arduous duties which devolved upon me as presiding officer of this House.



In the dispensations of Divine Providence, one of our most useful and industrious members has been cut off in the prime of life and the vigor of manhood, and many of our fellow members have been severely afflicted with disease. With those exceptions, our session has been a pleasant one, and I hope will result in the promotion of the best interests of our prosperous and growing Territory.

Indulging the ardent hope that you may all meet your friends in the enjoyment of health and happiness, I again return you my acknowledgements for the kindness and forbearance uniformly extended towards me, and beg leave to assure you gentlemen, that I shall ever cherish towards the members of this House feelings of the most profound gratitude.

I now announce that this House stands adjourned *sine die*.

I bid you an affectionate farewell.







# APPENDIX.

## AUDITOR'S REPORT.

AUDITOR'S OFFICE, IOWA, )  
IOWA CITY, Dec. 22, 1845. }

*To the Honorable, the Council, and the*

*House of Representatives, of the Territory of Iowa:*

GENTLEMEN.—In conformity to the eighth section of an act of the Legislative Assembly of the Territory of Iowa, entitled an act providing for the appointment and duties of Auditor, of Public Accounts, and regulating the duties of Territorial Treasurer, I herewith submit to you the following Report:

Warrants issued since the last Report of the Auditor bearing date 15th May, 1845:

*For pay of Members and Officers of Territorial Convention:*

To John Taylor, member of Convention	\$ 102 00
" Enos Lowe,	102 00
" Elijah Sells,	96 00
" Thomas McKean,	90 00
" John W. Brookbank,	96 00
" James Clarke,	102 00
" Stephen B. Shelledy,	108 00
" Henry M. Salmon,	108 00
" William R. Harrison,	90 00
" Ebenezer Cook,	96 00
" Luman Strong,	90 00
" Shepherd Leffler,	180 00
" Samuel W. Durham,	90 00
" Warren Dodd,	75 00
" J. C. Blankenship,	108 00
" C. B. Campbell,	90 00
" Enoch Ross,	90 00
" Calvin Price,	108 00
" Richard B. Wycoff,	108 00



To John Hale,	"	\$ 108 00
" Stephen Hempstead,	"	108 00
" Joseph C. Hawkins,	"	102 00
" Charles Staley,	"	108 00
" L. B. Olmstead,	"	126 00
" Edward Langworthy,	"	198 00
" Francis Gehon,	"	108 00
" Michael O'Brien,	"	108 00
" John D. Wright,	"	102 00
" John Ripley,	"	102 00
" David Ferguson,	"	108 00
" Thomas Charleton,	"	105 00
" Paul Brattain,	"	102 00
" James M. Morgan,	"	96 00
" Elisha Cutler, jr.,	"	102 00
" William D. McBride,	"	97 00
" Ephraim McBride,	"	189 00
" John Davidson,	"	306 00
" Samuel H. McCrory,	"	84 00
" Andrew Hooton,	"	102 00
" Henry Felkner,	"	84 00
" Geo. S. Hampton,	"	234 00
" Jesse Williams,	"	496 35
" A. B. Newcomb,	"	48 00
" F. M. Irish,	"	6 00
" Wesley Jones,	"	4 88
" John Browne,	"	16 30
" Columbus C. Catlett,	"	7 50
" John Larue,	"	12 40
" Robert Hutchinson,	"	24 00
" Charles C. Sangster,	"	12 00
		\$ 5335 53

*Fees of Sheriffs and Clerks of District Courts,*

To Henry Heffleman, Sh'ff Van Buren county	\$ 17 79
" do do as per act of Legislature,	50 00
" Francis Thompson, for attending Supreme Court Deputy Sheriff,	25 50
" David Hoge, fees as Clerk of Dis. Court,	13 50
" James Davis, fees as sheriff of Muscatine county,	50 00
" James W. Tallman, fees as Sheriff of Cedar county,	50 00
" Martin Harless, fees as late Sh'ff of Lou county,	50 00
" James H. Epperson, fees as Deputy Sheriff to Sup. Court,	19 50
	\$ 276 29



<i>Pay for Military Officers,</i>		
To O. H. W. Stull, salary as Adj't General,	\$ 50 00	
" Henry King, for services as Brig. Inspect.	64 00	
		\$ 114 00
<i>For expenses of Penitentiary.</i>		
To E. Wilson, on account of Penitentiary,	\$ 9 00	
" Edward A. Layton,	84 62	
		\$ 93 62
<i>For salary of Territorial Treasurer.</i>		
To M. Reno, Treasurer,		150 00
<i>Contingent Expenses.</i>		
To A. P. Woods, for Auditor's blanks,		8 00
		\$ 5977 44
To amount outstanding against the Territory, 15th May, 1845, as per Auditor's report.		12815 91
		\$ 18793 35
Warrants cancelled, and payments by the Ter- ritorial Treasurer,	\$1109 25	
Total amount in Treasury 10th Dec. 1845.	33 50	1142 75
		\$ 17650 60

The following statement of the accounts with the several counties in the Territory will exhibit the probable resources of the Territory, as the means of discharging the amount of liabilities, now outstanding against the Territory.

<i>Treasurer of Muscatine county, Dr.</i>		
To Assessment for the year 1845,	\$ 362 79	
<i>Treasurer of Clinton county Dr.</i>		
To Assessment for the year 1844,	46 43	
" " 1845,	58 16	
<i>Treasurer of Henry county, dr.</i>		
To Assessment for the year 1845	313 84	
<i>Treasurer of Mahaska county dr.</i>		
To assessment for the years 1844-5,	55 43	
<i>Treasurer of Clayton county, Dr.</i>		
To Assessment for the years 1844-5,	87 69	
<i>Treasurer of Scott county, Dr.</i>		
To Assessment for the year 1845,	200 69	



<i>Treasurer of Jones county, Dr.</i>		
To assessment for the year 1845,	\$ 39 81	
<i>Treasurer of Jefferson county, Dr.</i>		
To Assessment for the year 1845,	240 56	
<i>Treasurer of Washington county, Dr.</i>		
To Bal. due on Assessment for the year 1844,	30 70	
" Assessment for the year, 1845,	167 44	
<i>Treasurer of Linn county, Dr.</i>		
To Assessment for the year 1845,	\$227 01	
By Treasurer's receipt,	Cr. 7 38	219 63
<i>Treasurer of Delaware county, dr.</i>		
To bal. due on Assessment for the year 1844.	10 61	
" Assessment for the year 1845	33 65	
<i>Treasurer of Louisa county, Dr.</i>		
To bal. due on Assessment for the year 1844,	102 36	
" Assessment for the year 1845,	197 57	
<i>Treasurer of Johnson county, Dr.</i>		
To bal. on Assessment, for the year 1844,	25 23	
" Assessment for this year, 1845,	243 39	
<i>Treasurer of Kishkekosh county, Dr.</i>		
To Assessment for the year 1845,	6 51	
<i>Treasurer of Davis county Dr.</i>		
To bal. due on Assessment for the year 1844,	5 78	
<i>Treasurer of Des Moines county, dr.</i>		
To bal. due on Assessment for the year 1844,	231 29	
" Assessment for this year, 1845,	718 09	
To this amount, add the amount due upon old accounts, as per Auditor's report of 15th May, 1845, upon which there has been nothing paid,		\$ 3397 65
		3474 07
The abstracts of the Assessment for the year 1845, have not been sent up to this office from the following counties to wit—Davis, Keokuk, Jackson, Cedar, Lee, Wapello, Du-Buque and Van Buren.		\$ 6871 72
Total amount of resources,		6871 72
Amount of liabilities now outstanding,		17650 60
Excess of liabilities above resources,		\$ 10778 80



You will perceive from the foregoing statement that there is a heavy balance outstanding the Territory, and to meet this liability, would it not be expedient on the part of the Legislative Assembly, to increase the Territorial tax to one mill and a half on the dollar. This increase of tax could not, in my humble opinion, prove detrimental to the interests of the Territory, but would have a tendency to relieve the Territorial Treasury of the liabilities, with which it is now burthened.

All of which is respectfully submitted,

ROBT. M. SECREST,

Auditor of Public Accounts.

## TREASURER'S REPORT.

TREASURER'S OFFICE, IOWA, }  
IOWA CITY, Dec. 8, 1845. }

*To the Honorable, the Speaker of the*

*House of Representatives, of the Territory of Iowa:*

SIR:—In compliance with the following resolution, viz: "That the Territorial Treasurer be requested to report to this House the amount of indebtedness of the Territory, the present means of paying off such indebtedness, and if, in his opinion, there is any other manner of collecting the revenue, preferable to the present mode, &c.," I submit the subjoined statement:

The following liabilities do not include those of the public buildings at the Seat of Government.

	Dolls.	Cts.
Debt created by "Convention,"	8650	00
Warrants issued and outstanding exclusive of said Convention debt,	12521	77
Total amount,	21171	77

Included in the above, are Warrants to the amount of between nine and ten thousand dollars, issued in favor of the Penitentiary, and cancelled by Mr. Stull, "former Secretary of this Territory," with an appropriation made by Congress for that purpose.—The exact amount paid



off by said appropriation, I have not as yet ascertained,  
but I am well convinced that it cannot fall short of

9000 00

Which leaves a debt of

12171 77

The amount of assessments of Territorial revenue of  
the several counties prior to the year 1845, and unac-  
counted for, is four thousand and eighty-three dollars;  
but from this amount there will have to be deducted the  
County Collector's and Treasurers' fees, delinquencies  
and defalcations, which, in all probability, will reduce  
the available sum to about

1000 00

Revenue of 1845, say,

4000 00

Balance against the Territory,

\$7171 77

From a want of some facts, the foregoing statement may not be ex-  
actly correct, yet I am well persuaded that it will not greatly vary  
from the true result.

I am not prepared to present any modifications in the revenue law,  
that would be likely to prove salutary in the collection of Territorial  
Revenue. So far, it has answered its purpose as well as its authors  
could have desired; and I take pleasure in stating, that under it a de-  
gree of promptness heretofore unknown, has been manifested on the  
part of County Officers, who have the handling of the Territorial re-  
venue.

I would respectfully suggest for your consideration, the expediency  
of raising the Territorial tax to one mill on the dollar. I make this  
proposition from a thorough conviction of its policy. Territorial War-  
rants are worth but fifty cents on the dollar—a depreciation that is  
scarcely to be found in any county in this Territory. One cause of  
this state of depressed credit may be traced to the creation of a debt of  
\$8650 00, known as the "Convention debt," without providing the  
means for its payment.

To provide means at this time by raising the tax, could not be re-  
garded in good faith, as oppressive as it would only be performing a  
simple act of justice towards *bona fide* creditors of the Territory, many  
of whom have been compelled from necessity to dispose of their claims,  
at from forty to fifty cents on the dollar.

Doubtless a majority of the citizens of the Territory, would prefer  
a change in our form of Government, yet there are but few so regard-  
less of State debts and embarrassment, as not to hesitate before making



the change in the face of debt, small it is true, yet a nucleus around which larger ones may gather.

But as it regards this, I am well satisfied that whatever may be necessary for the honor and dignity of the Territory, will be done promptly and efficiently.

I am respectfully,

Your obedient servant,

M. RENO,

Territorial Treasurer.

## ANNUAL REPORT.

TREASURER'S OFFICE, IOWA, }  
IOWA CITY, December, 10, 1845, }

To the Honorable, the Legislative Assembly:

GENTLEMEN:—In obedience to law, I herewith submit to you the annual report of this office.

The following statement will show the receipts and disbursements since 10th May, 1845, to 10th December, 1845.

		Dols.	Cts.	Dols.	Cts.
1845.	Am't in Treasury, May 10, 1845.			142	55
<i>Receipts 1st Quarter from 10th May, 1845.</i>					
DESMOINES COUNTY,					
May 29	By warrant No. 132, Ward Lamson,	8	00		
"	" " " 123, O. H. W. Stull,	37	50		
"	" " " 91, Patrick Gilligan,	5	96		
"	" " " 86, T. F. Scott,	29	20		
"	" " " 102, Wm. Wilson,	31	50		
"	" " " 93, John Carl,	17	47		
"	" " " 89, T. F. Scott,	8	64		
"	" " " 89, Anderson & McHenry,	10	75		
"	" " " 87, T. F. Scott,	11	00		
"	" " " 85, D. Wellington,	33	80		
"	" " " 110, Smith & Deming,	17	11		
"	" " " 78, Cha's Jewett,	58	66		
"	" " " 105, John Moyse,	31	84		



		Dols.	Cts.	Dols.	Cts.
1845.					
"	"	"	143, O. H. W. Stull,	50	00
	Treas. certificate No. 14, Peter Miller,	79	80		
"	"	"	9, H. Taylor	39	69
VAN BUREN COUNTY,					
June 9	By warrant No. 135, John Waters	34	50		
"	postage paid on letter		12		
WAPELLO COUNTY,					
do 13	By revenue for year 844.	2	45		
JOHNSON COUNTY,					
June 14	By Trea. draft No. 21, W. L. Gilbert	20	00		
"	Cash	100	00		
LOUISA COUNTY,					
July 24	By warrant No. 186, J. W. Brookbank	96	00		
MUSCATINE COUNTY,					
July 31	By revenue for year 1844	72	86		
				796	85
Total amount of receipts				939	40
<i>Disbursements 1st Quarter from 10th May, 1845</i>					
Warrants No.					
"	54 R. W. Albright	24	00		
"	132 Ward Lamson	8	00		
"	91 Patrick Gilligan	5	96		
"	84 Anderson and McHenry	10	00		
"	110 Smith and Deming	17	11		
"	78 Charles Jewett	58	66		
"	93 John Carl	17	47		
"	85 Darius Wellington	33	80		
"	105 John Moyse	31	84		
"	102 William Wilson	31	50		
"	123 O. H. W. Stull	37	50		
"	143 do do	50	00		
"	86 Thomas F. Scott	29	20		
"	88 do do	8	64		
"	87 do do	11	00		
	H. Taylor, Treas. certificate No. 9	39	69		
	Peter Miller	79	80		
	W. L. Gilbert, salary as Auditor	20	00		
"	135 John Waters	34	50		
"	181 Francis Thompson	22	55		
	W. L. Gilbert, salary as Auditor,	55	00		
"	186 John W. Brookbank	96	00		



		Dols.	Cts.	Dols.	Cts.
1845					
"	71 Arthur Washburn	2	00		
"	218 M. Reno	65	00	789	97
Excess of receipts end of 1st quarter				149	43
<i>Receipts 2d Quarter, 1845.</i>					
VAN BUREN COUNTY,					
Sep. 24	By warrant No. 238, John Hale	108	00		
CLINTON COUNTY,					
Sep. 30	By revenue for year 1844	5	00		
LOUISA COUNTY,					
	By Trea. draft No. 24, W. L. Gilbert	65	00	178	00
Total amount,				327	43
<i>Disbursements 2d Quarter 1845.</i>					
Warrants No.					
"	238 John Hale	108	00		
"	237 Richard B. Wycoff	2	37		
	W. L. Gilbert, salary as Auditor	75	00	185	37
Excess of receipts end of 2d quarter.				142	06
<i>Rec'ts from 10th Nov. to 10th Dec. 1845.</i>					
WASHINGTON COUNTY,					
Dec. 3	By revenue for year 1844.	7	00		
DELAWARE COUNTY,					
do 4	By revenue	9	60		
JOHNSON COUNTY,					
do 10	By warrant No. 188, F. M. Irish	6	00		
	" " 182, F. Thompson	2	95	25	35
Total amount,				167	41
<i>Disbursements same time.</i>					
Warrants No.					
"	193 George S. Hampton	35	00		
"	248 M. Reno	60	00		
"	245 John Larue	12	50		



	Dols.	Cts.	Dols.	Cts.
1845				
Wm. L. Gilbert, salary in full up the 27th day of Nov. 1845	27	46		
" 188 F. M. Irish	6	00		
" 182 Francis Thompson	2	95	133	91
Excess of receipts 10th Dec. 1845.				33 50

The following is a correct statement of the receipts and expenditures of this office, as connected with the seat of government of the Territory, subsequent to 1st June, 1845, at which time I took charge of the same.

In compliance with "An act for the relief of William B. Snyder, approved 10th June, 1845," I had a public sale of City lots on the 10th day of July last, the result of which will be given below.

	Dols.	Cts.	Dols.	Cts.
<i>Receipts.</i>				
June 1 Notes for work and materials received from Anson Hart, late Territorial Agent,	2223	49		
June 10 Amount received from 20 lots at sale for relief of Wm. B. Snyder,	280	50		
Aug. 9 Am't from sale of one forfeited lot,	125	00	2623	99
<i>Expenditures and notes on hand.</i>				
July 11 Am't paid F. M. Irish, crier of sale,	5	00		
do. 12 " " A. H. & G. D. Palmer for publishing notice of public sale,	4	00		
do 12 Am't paid William B. Snyder	66	50		
do 23 " " " "	20	00		
Aug. 6 " " " "	50	00		
do 22 " " " "	25	00		
do 26 " " " "	44	50		
Sep. 23 " " " "	26	56		
" " John M. Coleman, late Territorial agent on salary act's.	125	00		
Amount of script redeemed,	40	00		
" notes for work and mate- rials on hand,	2147	35		
Amount paid McGinnis and Driscoll for work,	13	04	2566	95
Excess of receipts Dec. 0, 1845.				62 04

The following is a general statement of the



	Dols.	Cts.	Dols.	Cts.
resources and liabilities of the Territory as connected with the Seat of Government, viz:				
322 unsold and forfeited lots amounting, at their present minimum to	24973	00		
Notes for work and materials,	2147	35		
Total amount,			27120	35
<i>Liabilities to-wit:</i>				
Debt due the Miner's Bank, say	6650	00		
Notes and certificates issued and outstanding	2172	50	8822	50
Excess of resources,			18297	85
The above notes for work and materials being available only in the completion of the Capitol &c. it will be proper to deduct them from the resources for the payment of the liabilities,				
			2147	35
Which leaves an excess of receipts of			16150	50
From the best information within my reach, I am led to the conclusion, that the unsold and forfeited lots, will not sell for more than an average of \$30 00.				
If I am correct, the total amount will be	9660	00		
And the liabilities being	8822	50		
Will leave an excess of resources of	837	50		

The result of the sale in May next, may prove my estimate to be too low, I hope so, but fear the reverse.

The law directing a sale of lots in May next, appropriates the proceeds only of the forfeited lots, which were sold prior to 28th June, 1841, to the payment of debts, other than that due the Miners' Bank. These forfeited lots, amount at their present minimum to only \$430 00, and the debts exclusive of that due the Miners' Bank, amount to \$2,172 50—which leaves a balance in this particular of \$1,742 50.

In view of these facts, together with a full conviction that no injury can accrue from it to the Territory, I would respectfully suggest, the expediency of so modifying the law referred to above, as to allow all creditors of the Capitol to offset their claims so far as they extend,



against any debts they may contract in the purchase of lots at the sale in May next. By this arrangement many persons will, in all probability, be induced to purchase, that otherwise would not.

Fearing from the exposed condition of the basement of the Capitol, that accidents might happen from fire, I had it enclosed. I have also, had a door put in the east front of the Capitol; but for want of funds and proper materials, nothing further has been effected in the completion of the Capitol.

All of which is most respectfully submitted,

By your obedient servant,

M. RENO,  
Territorial Treasurer.



## COMMUNICATION.

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SECRETARY'S OFFICE, }  
IOWA CITY, Dec. 6, 1845. }

*To the Honorable Legislative Council—*

GENTLEMEN:—I have the honor to acknowledge the receipt of your resolution of the 3rd inst., and in answer to which, I herewith transmit a copy of the correspondence had between this office and the Treasury Department relative to the respective Congressional appropriations which have come into my hands, numbered from one to eight inclusive.

I beg leave respectfully to call the special attention of the Legislative Assembly to the Comptrollers letter, under date of the 12th ult.

On the 26th of July last, I received from the Treasury of the United States, drafts which I subsequently negotiated in the city of St. Louis, amounting to \$10,000. About \$9,000 of this amount has been disbursed by me in the payment of arrearages of Legislative expenses which existed prior to the May session of this year, and in the partial payment of the expenses incurred at said May session.

I respectfully refer you to the estimate contained in my letter to the Secretary of the Treasury of the 28th of July last, for an exhibit of the amount of arrearages which existed prior to the May session, as well as of the amount due for expenses incurred at said session. That estimate may be relied upon as approximating very nearly to the respective amounts.

I have now in my hands about \$1,000 which amount is subject to old arrearages in part, and the remainder to liabilities incurred at the May session.

I received on the 30th ult. from the Treasury Department, a draft on the Bank of Missouri, St. Louis, for \$15,660 86. Of this amount \$14,050, was appropriated for legislative expenses of this Territory, by act of Congress, approved 17th June, 1844. The ballance of said



draft (\$1,610, 86) being a refundment from the appropriation of the preceeding year—as per Comptroller's letter herewith transmitted.

Very respectfully,

I have the honor to be,

Your obedient servant,

JESSE WILLIAMS,

Secretary of Iowa.

(No. 1.)

SECRETARY'S OFFICE, IOWA, }

IOWA CITY, July 28, 1845. }

SIR:—I herewith enclose to the Department a printed copy of the appropriation bill passed at the session of the Legislative Assembly of this Territory, which met in this city on the 5th day of May last.

By this bill you will perceive that the sum appropriated amounts to \$9,473 36. In addition to this amount is to be added the printing of the laws and the journals of each House of the same session, which I estimate will amount to about \$1,600 in addition to the items appropriated for in the bill alluded to—making the aggregate expenses of the session amount to \$11,073 36.

The law of Congress, approved June 17, 1844, making appropriations for that year, evidently contemplated in the appropriation for compensation and mileage of members of the Legislative Assembly of this Territory, and for the pay of officers, printing, &c., the payment of arrearages of former sessions which then remained unpaid.

Under this view of the subject, my predecessor drew from the Treasury near seven thousand dollars of the appropriation of that year, which he disbursed under the instructions of the Department in the payment, or partial payment of said arrearages.

There yet remains unpaid of claims of this character, I am informed by my predecessor, about \$2,500—and which will of course be payable out of the appropriation for that year, \$10,000, for which drafts have been furnished me on the Mechanic's Bank of New York.

After the payment of the arrearages (\$2,500) there will remain but \$7,500 for the payment of the expenses of the recent session of the



Legislative Assembly, amounting as above estimated to \$11,073 36—Showing a deficit of \$3,573 36. To pay this deficit, and to provide for some necessary contingent expenses of my office, I have to request to be furnished by the Department, at as early a day as practicable with an additional draft, predicated upon the appropriation of Congress, as made by the appropriation act, approved March 2d, 1845, of \$14,050, for the payment of Legislative expenses.

The Legislative Assembly which met on the 5th day of May last, in this city, were elected—the members of the House of Representatives for one year from, and after the first Monday of April last, and the members of the Legislative Council for two years from that date. The Assembly have already been in session thirty-eight days of the seventy-five days, which they are permitted to continue in session, within the year for which they were elected. At the adjournment of the recent short session, they adjourned to meet again on the first Monday of December next, at which time the same Legislative body will again meet and continue in session thirty-seven days, which will complete the seventy-five days—being the extent of the time allowed by the provisions of an act of Congress for the year for which they were elected.

When I shall have drawn from the Treasury the \$3,600 now requested, and disbursed it as above contemplated, there will remain of the appropriation by act of Congress of the 3d of March, 1845, \$10,450, to defray the expenses of the remaining portion of the seventy-five days which the present Legislative Assembly have to set—which amount will be amply sufficient for that purpose, and which cannot be exceeded, inasmuch as they are prohibited from either sitting more than the seventy-five days, or exceeding the appropriations made for the Legislative year for which they are chosen.

The amount of \$10,000, with which I have been furnished, being the balance of the appropriation of 1844, will be disbursed and accounted for to the Department, within the succeeding twenty or thirty days. If my official bonds executed to the Department on the 26th ult., should be deemed insufficient to cover the \$10,000 now in my hands and unaccounted for, together with the \$3,600 now asked for, you will please advise me of the same, that I may, at as early a day as practicable, execute additional bonds.

Very respectfully, your obedient servant,

JESSE WILLIAMS,

Secretary of Iowa.

HON. ROB'T J. WALKER, Sec. Trea. U. S.



(No. 2.)

SECRETARY'S OFFICE, IOWA, }  
BURLINGTON, Oct. 22, 1845. }

SIR:—On the 28th of July last, I wrote to the Department, making application for \$3,600 of the appropriation, made for the contingent expenses of the Legislature of this Territory, by act of Congress approved 3d of March, 1845.

I now have to request to be furnished at your earliest convenience with the full amount of the appropriation above referred to, (\$14,050) or in case the \$3,600, requested by me on the 28th of July has been forwarded, you will please send on the balance of said appropriation.

The Legislative Assembly of this Territory meets again on the first Monday of December next, and the reason of my application at this early day is, that I may have time previous to the closing of navigation on the Upper Mississippi to visit St. Louis after its receipt, and prior to the meeting of the Assembly.

My predecessors in office experienced much difficulty in consequence of funds for the payment of the Legislative expenses not being forwarded on in time to negotiate the drafts &c., and make other necessary arrangements previous to the meeting of the Assembly.

I would prefer being furnished with drafts on the eastern cities, or on St. Louis, Mo., of one and two thousand dollars each.

I shall indulge the hope that this, my requisition, may receive the earliest attention practicable from the Department.

Very respectfully,

Your obedient servant,

JESSE WILLIAMS,  
Secretary of Iowa.

HON. ROB'T J. WALKER,  
Secretary of Treasury, U. S.

(No. 3.)

SECRETARY'S OFFICE, IOWA, }  
BURLINGTON, Nov. 13, 1845. }

SIR:—Doubts having been suggested as to the right of the Territorial Legislature to hold an annual session, commencing on the first



Monday in December next, I would respectfully call your attention to the subject, by furnishing a statement of all the facts in the case. My object being simply to facilitate the public business of the Territory, by removing every obstacle, should any exist, to the earliest transmission of a draft for the amount appropriated to defray the expenses of the approaching session.

The Organic law provides that the members of the House of Representatives shall hold their seats for the term of one year. It also provides that no session shall continue for a longer time than seventy-five days. And it further provides that Congress shall make annual appropriations, based upon estimates furnished by the Secretary of the Treasury, to defray the necessary expenses of the Legislature.

Up to, and including the session of 1843-4, it had been usual for the annual session, *under a law then and still in existence*, to commence on the first Monday in December. At that session, (of 1843-4,) steps were taken with reference to the formation of a State Government; and with a view to that object, the next annual election for members of the Legislature was postponed from August, (1844,) to April (1845,) and the annual meeting of the Legislature was postponed from the first Monday in December, (1844,) to the first Monday in May, (1845.)—The annual session thus postponed from December until May, was convened, *according to the special act of the preceding session*, and at the end of thirty-eight days it was adjourned, *sine die*. And no action having been taken with reference to the next annual session, it will of course begin, *by operation of the Organic Law*, on the first Monday in December proximo.

The members elected in April, or such of them as did not resign, claim the right to hold their seats for the full term of one year from the day of their election, (in April last,) as provided by the Organic Law.

It follows of course that they claim the right to hold a regular annual session commencing on the first Monday in December next, as their commissions will not, (under the organic Law,) expire until April, 1846.

The right of these members to hold their places for a year, supported as it is, by the plainest provisions of law, would seem to be undeniable. The only question seems to be whether they can legally hold two annual sessions within the same calendar year.

It is to be born in mind that the first session (in May) was a *postponed annual session*. The doubt, if any, appears to be, whether a postponed session can affect in any respect, the legality of a regular an-



annual session, which it was understood, in contemplation of law, was to be holden within the same year. As no action whatever was taken with reference to this latter session, but the whole matter left to the regulation of an existing law, and that law being still in existence, I can see nothing to prevent the Legislature from meeting and organizing in due form—nothing to prevent the session from being in itself regular—nothing to invalidate its proceedings, nor to restrict or annul the rights and powers claimed by the members.

As another argument in favor of this position, and one which will at the same time render safe and legal the disbursement of the appropriations I will instance the fact of the appropriation itself, which was made by Congress with a knowledge of the proceedings of the Legislature before it.

The fact that the organic law contains a pledge on the part of the General Government, to make annual appropriations sufficient to defray the necessary expenses of the Legislature. Connected with the fact that Congress has made that appropriation for the annual session, besides rendering the disbursement safe, would also, it seems, legalize in advance, (were such legislation necessary,) the convening of the contemplated annual session, commencing in December next.

The first and most important consideration arising from the preceding views, is, as to the application to be made of the money appropriated at the last session of Congress, to defray the expenses of the Territorial Legislature.

If the approaching session should be deemed a regular annual session, no part of the appropriation can be used for the payment of any of the expenses of the last session. But if it shall be considered the residue of a former session, coming within the same year, and authorized to fill out only the term of seventy-five days, including the time occupied at the May session, then the appropriation can be diverted, or such of it as may be necessary, to the payment of balances already due.

It is in view of these considerations, as disbursing agent of the Government, that I have felt it my duty to bring the subject before the Department. And I would respectfully ask that the Hon. Secretary of the Treasury, would accompany the draft for the appropriation, with such instructions as he may deem necessary.

I have the honor to be, your obedient servant,

JESSE WILLIAMS,

Sec. of the Ter. of Iowa.

HON. ROB'T J. WALKER, Sec. Tera. U. S.



(No. 4.)

TREASURY DEPARTMENT, }  
 COMPTROLLER'S OFFICE, }  
 Nov. 10, 1845. }

SIR:—The Secretary of the Treasury has referred to this office your letter of the 28th July last in which you say: “The law of Congress “approved 17th June, 1844, making appropriations for that year, evidently contemplated in the appropriation for the compensation and “mileage of members of the Legislative Assembly, and for pay of officers, printing, and the payment of arrearages of former sessions “which then remained unpaid. Under this view of the subject my “predecessor drew from the Treasury near seven thousand dollars of “the appropriations of that year, which he disbursed under the instructions of that Department in the payment, or partial payment of said “arrearages. There yet remains unpaid of claims of this character, “I am informed by my predecessor, about \$2,500, and which will of “course be payable out of the appropriation for that year, (\$10,000,) “for which drafts have been furnished me.”

By reference to the enclosed copy of a letter received from the Hon. A. C. Dodge, dated Dec. 4th, 1844, and of one addressed by this office to the Secretary of the Treasury, dated Dec. 20th, 1844—and of another sent from this office to the late Secretary of the Territory of Iowa, Samuel J. Burr, dated December 23d, 1844, you will perceive that the sum of \$6,983 then remitted to said Burr, was deemed sufficient, and as much of the amount appropriated by Congress, 17th June, 1844, for legislative expenses of said Territory, as could be applied to pay arrearages of Legislative expense, and the balance of said appropriation, 10,000 dollars, was reserved to defray the expenses of the Legislature, at the postponed annual session; which, unless Congress authorized the application of said balance to defray the expenses of a Convention to frame a State Constitution, the said Legislature might, and did subsequently hold; also, that the Hon. Mr. Dodge stipulated, the session which the said Legislature might so hold, should not incur expenses beyond the aforesaid sum of \$10,000. Nevertheless from a copy of the Legislative act approved 11th June last, received from you, it appears that the sums appropriated amount dollars 9, 619, 36, which added to your estimate for the printing of the session, \$1,600: makes the expenses of the Legislature for said session, \$11, 219 36 or \$1,219 36 beyond the sum stipulated as aforesaid—but as



there has been a refundment of the sum of \$1,610 86 to the credit of appropriations for Legislative expenses in Iowa, said sum may now be considered as having formed part of the money—\$6,983 remitted to Secretary Burr, and consequently there would remain \$11,610 86 of the appropriation of 17th June 1844, that might be applied to defray the expenses incurred by the Legislature, at its aforesaid postponed session; of which remainder you acknowledge to have received \$10,000, and the residue \$1,610 86 will be sent you by the Treasurer—and after you shall have used so much thereof as may be required to discharge the expenses of said postponed session—you may use the residue to pay arrearages of Legislative expenses.

The sum of \$14,050 appropriated by the act of Congress approved 3d March, 1845—which will be sent to you by the Treasurer, must be first exclusively applied to defray the expenses, incurred by the Legislature, at its annual session of 1845-6; and until they shall all have been discharged, no part of said appropriation should be used to pay expenses incurred at former sessions.

You will find herein copy of a letter addressed to Samuel J. Burr, dated 27th Aug. 1845, asking him to send copies of certain laws, referred to in his arrearage account, but as they have not been received, I have to request that you will send them to this office, if the late Secretary shall not already, and very recently, have forwarded them by mail.

With great respect,

Your obedient servant,

J. W. McCULLOH,

Comptroller.

To JESSE WILLIAMS, Esq.,

Secretary of the Territory of Iowa.

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(No. 5.)

TREASURY DEPARTMENT, }

COMPTROLLER'S OFFICE, }

November 12, 1845. }

SIR:—The Treasurer will send you by this mail \$14,050, appropriated per act of Congress, approved 3d March, 1845, to defray the expenses of the Legislative Assembly of Iowa, for its session, 1845-6;



and with respect to its disbursement, I would call your attention—and through you, the attention of the members of the Assembly, to that clause of the 117th item of the first section of the act of Congress, making appropriations for civil and diplomatic expenses, approved 18th May, 1842, which provides, that the Legislative Assembly of no Territory, shall thereafter, in any instance, or under any pretence, whatever, exceed the amount appropriated by Congress, for its annual expenses; and likewise, to that clause in the 2d section of the act of Congress, approved 29th August, 1842, which provides, that no act, resolution or order of the Legislature of any Territory, directing the expenditure of money; shall be deemed a sufficient authority for such disbursement, but sufficient vouchers, and proof for the same, shall be required by said accounting officers:—and no payment shall be made or allowed, unless the Secretary of the Treasury shall have estimated therefor, and the object been approved by Congress.

With great respect,

Your obedient servant,

J. W. McCULLOH,  
Comptroller.

TO JESSE WILTIAMS, ESQ.

Secretary of the Territory of Iowa.

(No. 6.)

HOUSE OF REPRESENTATIVES, }  
December 4th, 1844. }

SIR:—At the last session of Congress an appropriation of \$16,900 00, or thereabouts was made to defray the expenses of the Legislative Assembly of Iowa for the current year and for the payment of arrearages of previous sessions. Our Legislature at an extra session, held in the month of June last, passed an act postponing the regular session from December to May; with a proviso that, should Congress consent to the application of so much of said appropriation as remained, after paying arrearages of previous sessions, to the liquidation of the expenses of a Convention, for the formation of a Constitution, there then should be no session at all.

In this state of the case, I regard it as my duty to make application to you, for so much of the appropriation above mentioned as will pay the arrearages. This sum is estimated at \$7,000. But be it, or a



sum which may be supposed to cover them, may be immediately transmitted to the Secretary of the Territory.

I make this application strictly in accordance with the law of the Legislature, and with the wishes of my constituents. You have the former certified by the Secretary; and for the latter I will be responsible.

With sentiments of

High respect,

Your obedient servant,

A. C. DODGE,

HON. JAMES W. McCULLOH,

1st Comptroller, &c.

(No. 7.)

TREASURY DEPARTMENT, }  
COMPTROLLER'S OFFICE, }  
20th Dec. 1844. }

SIR:—The Legislature of the Territory of Iowa, having by their act approved 19th June 1844, postponed the annual session of that body, until the first Monday of May next—and provided that it shall be dispensed with altogether if Congress shall before the 4th of March next, authorize the appropriation made for defraying the expenses thereof to be applied to the payment of the debts incurred by past Legislatures for Legislative expenses—and the overplus, if any, to the payment of the expenses of the Convention to form a Constitution of the future State of Iowa—as appears by the accompanying certified copy of said act—and by a letter that was addressed on the 4th inst., to this office by the Hon. A. C. Dodge, Delegate to Congress from said Territory—in which forasmuch, as the aforesaid appropriation, to-wit: \$16,983, was by the act of Congress, approved June 17th 1844, made expressly applicable not only to the expenses of the session of the Assembly, which has been postponed and may be dispensed with as aforesaid; but also to arrearages of expenses of previous sessions of said Assembly—and because the claimants of said arrearages have been recognized by the aforesaid Territorial act as meritorious creditors under said appropriation—he asks that seven thousand dollars, at which sum he estimates said arrearages, may be now remitted to the Secretary of said Territory to be by him applied to the payment thereof; coupled



with an assurance given by said Delegate that if the said Assembly shall meet in May next, it will abridge its term so that its expenses shall not exceed \$9,983, the remainder of the appropriation of \$16,983.

On consideration whereof I do hereby respectfully advise that the request of said Delegate be now substantially gratified by remitting to Samuel J. Burr, Secretary aforesaid, the sum of \$6,983, in drafts of the Treasurer upon New York, not exceeding \$1000 each, to be applied by him to the payment of said arrearages in full, if sufficient; otherwise, rateably on such as exceed \$200; and in full as to those which are for a smaller sum.

With great respect,

Your obedient servant,

J. W. McCULLOH,

Comptroller.

HON. GEO. M. BIBB,

Secretary of the Treasury.

(No. 8.)

TREASURY DEPARTMENT,

COMPTROLLER'S OFFICE,

December 23, 1844.

SIR:—You will receive from the Treasurer, per mail, his drafts on New York, for the sum of \$6,983, in amounts not exceeding \$1,000, each—to be by you applied to the payment of the arrearages of debts incurred by past Legislatures of the Territory of Iowa—for such Legislative expenses as relate to objects that were included in the estimates of the Secretary of the Treasury—but for the payment whereof, in whole or part, former appropriations, made by Congress, were found to be insufficient: the said payments to be made in full, if their aggregate amount shall not exceed the said sum of \$6,983—otherwise, rateably on such claims as issued \$200, each; and in full, as to those which are for a smaller amount.

The enclosed copies of a letter addressed to me by the Hon. A. C. Dodge, on the subject of said arrearages—and of one by me addressed to the Secretary of the Treasury on the same subject—with his action



thereon, will apprise you of all the circumstances, under which the aforesaid remittance has been directed to be made to you.

With great respect,

Your obedient servant,

J. W. McCULLOCH,

Comptroller.

To SAMUEL J. BURR, Esq.,

Secretary of Iowa Territory.

J. W. McCULLOCH,

Comptroller.



# REPORT

OF THE

## WARDEN OF THE PENITENTIARY.

*To the Honorable, the Legislative Assembly,  
of the Territory of Iowa:*

In addition to the report which I had the honor to make to the Legislature at the opening of the session in May last; and the information furnished your committee, I beg leave to submit the following:

Since the first of May, there have been two convicts received into the prison, and two discharged.

Between the first of May, and the first of December,, the income and earnings of the prison have amounted to two hundred and eighty-six dollars, and forty-six cents. And the expenditures to the sum of seven hundred and nine dollars, sixty-four cents, as follows, to wit:

Warden's salary,	\$ 291 67
Guards' "	140 00
Boarding of guards,	61 16
Wood,	19 00
Clothing,	96 56
Provisions,	80 95
Ammunition,	1 30
Medical services and medicine,	19 00
	<hr/>
	709 64
	286 46
	<hr/>
	\$423 18

Leaving as will be seen a balance against the prison for that time of four hundred and twenty-three dollars and eighteen cents.

It is proper to remark that this includes the purchase of winter clothing, a bill of sixty-eight dollars and sixteen cents, which it is believed will be entirely sufficient for the next six months, as well, also, as a supply of provisions sufficient for the consumption of the prison until the 1st of January, 1846. In connection, here, it is proper I should also say, that the comparative small amount of product from the labor of the convicts during this period, has arisen, first, from



the small number of productive hands at the disposal of the undersigned, and next, the large amount of sickness which has prevailed here: three hundred and four days having been lost by sickness alone, during the time; and not a single convict having escaped sickness, with all the precaution we could time. It is also worthy of remark, that of the two received into the prison, both came sick, and one laboring under a disease of long standing, has remained permanently so, and, as is now the case, for most of the time confined to his bed, requiring much care and attention.

The undersigned takes pleasure in reporting the continued disposition on the part of the convicts to obey all the rules of the prison, and for their moral and mental improvement.

EDWIN GUTHRIE,

Warden of the Iowa Penitentiary.



# REPORT

OF THE

## COMMITTEE APPOINTED TO EXAMINE THE INTO AFFAIRS OF THE PENITENTIARY.

The committee who were appointed by the Legislature at its late session of May and June, A. D. 1845, "to examine into the affairs of the penitentiary" have attended to that duty as far as time, health, and a press of other business would permit, and respectfully beg leave to present the following imperfect report:

A majority of the committee met at Fort Madison on the first Monday in September, the time and place fixed upon by them previous to leaving Iowa City at the close of the legislative session in June last (Mr. Brierly absent by sickness) your committee organized, and remained in session nine days attending to the duties required of them, when they adjourned to meet again on the first Monday of October, hoping that in that time Mr. Brierly would be able to attend, but were again doomed to disappointment at the second session, Mr. Brierly still being unable to attend. This was a source of regret because Mr. Brierly, being the author of the resolution creating the committee, would have cleared up the doubts in the minds of your committee, as to whether it was the intention of the Legislature to have them examine into the affairs of the penitentiary from its first organization or only during the time included in the last annual report of the Warden. Your committee finally came to the conclusion that, it would be safe as well as answer all practicable purposes to confine their examination, almost exclusively to the time included in the last report of the keeper. In the first place your committee have to make not a very favorable report of the condition of the prison buildings for the safe keeping of the prisoners. For although there have been expended between forty-four and forty-five thousand dollars upon the penitentiary buildings, yet more than one-third of all the prisoners committed, have made their escape, as the following abstract from the prison register will show. This register your committee do not pretend is complete, for the Warden informed them that, there had been several commitments not registered, as well as escapes and discharges:



# AN ABSTRACT FROM THE PRISON REGISTER.

Names of Persons.	When Committed.	When Discharged.	When Escaped.	When pardoned.
1. John Pritchett,	Feb. 24, 1840,		March 1840.	
2 Samuel Wilson,	May 7, "	May 7, 1841.		
3 James Guy,	May 11, "		June 4, 1840,	
4 Jacob Alden,	June 11, "		Aug. 12, 1840,	
5 Jas. McCubbin,	May 11, "		November, 1842,	
6 Benj. Lewis,	April 3, "	June 23, 1840,		
7 Sam'l Conlays,	May 15, "		Aug. 12, 1840.	
8 Lester Wallow,	June 16, "		Date not registered,	
9 John Howard,	July 18, "	July 10, 1841,		
10 Samuel Green,	Sep. 14, "		Date not registered,	
11 Bentley Denison,	Sep. 14, "		Oct. 2, 1841,	
12 Eph'm Whicher,	Sep. 26, "	Sep. 26, 1841.		
13 Lewis Ayres,	Feb. 22, 1841	May 22, "		
14 Jas. Meredith,	Mar. 10, "	Mar. 10, 1842,		
15 Thos. C. Bird,	May 6, "			June 2, 1841,
16 Eph'm Catterlin,	May 26, "	May 26, 1842,		
17 Thos. Kinner,	Oct. 8, "	Nov. 5, 1842,		
18 Henry Wright,	Feb. 26, 1842,		Nov. 5, 1842.	
19 Wash'n Hyde,	Dec. 8, "			
20 John Benson,	May 1, "		Oct. 28, 1842,	
21 Jacob Clement,	Oct. 10, "		Oct. 5, 1844,	
22 David Gibbs,	Oct. 13, "		June 22, 1843,	
23 Wm. Printer,	Oct. 12, "			
24 Geo. B. Parrish,	March 4, 1843.			June 24, 1843,
25 Charles Rowley,	Mar. 4, "			" " "



# AN ABSTRACT FROM THE PRISON REGISTER.

Names of Persons.	When Committed.	When Discharged.	When Escaped.	When Pardoned.
26 Wm. Evans,	Mar. 4, "			June 24, 1843,
27 Jsrael Spencer,	Mar. 4, "			" " "
28 George W. Wallace,	April 19, "	April 19, 1844,		
29 Rufus Monday,	April 25, "	April 25, "		
30 Hanson Wilson,	May 30, "	May, 30, "		
31 Edmond Riley,	Sept. 6, "			
32 Jonathan Ward,	Oct. 18, "	Oct. 18, "		
33 Jesse Kilgore,	Oct. 1, "		July 12, 1844.	
34 Benjamin Daniels,	Mar. 30, 1844,			Feb. 11, 1845.
35 Payton Russel,	Mar. 28, "			
36 Waw-kow-cho-ni-kow,	June 9, "			
37 Elijah Osborn,	Aug. 15, 1845,			
38 William Hampton,	Sept. "			
Total 38		12	13	6



This abstract shows the total number committed to be thirty-eight; discharged, twelve; escaped, thirteen; pardoned, six; now remaining in the penitentiary, seven; Now, your Committee are of the opinion that the great number of escapes may be fairly attributable to the want of good and sufficient buildings, well secured, and although, as before stated, there has been expended between forty-four and forty-five thousand dollars, enough in all conscience, to have erected a good and substantial prison; yet so far as safe keeping, good government, and profitable employment of the prisoners are concerned, might as well not have been expended at all; for, as you have already learned from the last annual report of the Warden, the walls of the main building have been carried up only thirteen feet above the water tables, (for a better knowledge of which, we would refer you to the accompanying plan of the prison,) or a little more than one story high, with a temporary roof, part of which is made of long shingles or clapboards in a very open manner, the balance or other part is made of common inch plank in a like open manner, which, in the opinion of your committee, presents strong temptations to prisoners of ordinary sagacity, to attempt to make escapes. In fact, any prisoner of common cunning that could not get out of the prison ought to be whipped out. And again, the want of convenient buildings, in which to employ the convicts at any labor profitable to the Territory, makes it necessary to employ them in some out door labor, which has been the practice to some considerable extent—some at one job and some at another. Some in the timber, and some on the river's bank—some in one street and some in another; so that any number of desperate prisoners would require an equal number of well armed men to guard and bring them safe back to the prison at night. In the opinion of your Committee it would be altogether superfluous on their part to make any estimate or recommend any sum as sufficient for finishing the buildings of the prison decently. Your honorable body is already as enlightened on that subject as the committee can be.

Besides, this mode of employing prisoners,—of bringing them into competition with the mechanic and day laborer, has, in its features, the most serious objections. In the opinion of your Committee, the objections are of such a serious nature, that it would be far better for the Territory to support them in idleness by direct taxation. For laborers and mechanics, those very respectable classes, would leave any and every community before they would long submit to be put upon a level, or brought into competition with State prison convicts, and although,



few may profit by the system, (for the time being,) yet in the end all must be losers; and any city or town where such a practice obtains must be greatly checked in its progress to prosperity and wealth if not entirely ruined. Statesmen of older States have long since seen this to be the case, and are now making strenuous efforts to rid themselves of this evil; and, your Committee would suggest that it would well become the wisdom and sagacity of your honorable body to devise and adopt some system, for the management of the Iowa penitentiary which shall check, if not entirely do away with this great and growing evil—a great source of bickering, thereby profiting by the experience of others.

In reference to the expenses, which seems to have been the great object in organizing the Committee, we would say, that although the Warden was very polite and gentlemanly, giving all the information asked for, yet the books of the prison were kept in such a way that your Committee (not being acquainted with the system) could not arrive at any thing definite by said books, and therefore had to resort to the powers in them vested, viz: of sending for persons—administering oaths, &c. Under this power several of the merchants and business men of Fort Madison were ordered to appear before the Committee, whose testimony in connection with the books of the prison, elicited this important fact, that a great quantity of meat, or what appeared to your Committee to be a large quantity, (considering the number of prisoners and the time in which said meat was consumed) had been charged to the penitentiary. In said books there was charged to the Territory (calling one barrel 200 lbs.) five thousand and fifty-two pounds of beef, six hundred and sixty pounds of pork, besides two hundred and seventy-two hog's heads, which (estimating one hog's head equal to eight pounds of common pork) makes seven thousand eight hundred and eighty-eight pounds of meat furnished to six men in seventeen months, or at the rate of over three pounds of meat to each prisoner per day. This large amount seemed to call for some further investigation, and a former guard was called before the Committee, who under oath testified that he knew nothing of the amount of the meat consumed, and all he did know in reference to the matter, was, that the prisoners were great meat eaters—tremendous meat eaters. Mr. Guthrie informed us that some of the meat was injured which he had to throw away; your Committee thought that he ought to have taken it back to the merchant of whom he purchased it and made him loose it. A discharged prisoner appeared before the Committee



and informed them that the prisoners were kept upon tainted meat for some time. But your Committee accounted for some of this enormous consumption in the fact that the prisoners have access to the provisions whenever they choose.

Another reason why the expenses so far exceed the income of the prison may be found in the fact that the Warden charges a profit or per centum upon almost all of the articles furnished by him for the penitentiary. This beef, which was bought for \$5,50 per barrel, was charged to the prison at \$6,00—shoes that were purchased for from \$1,00 to \$1,25 were charged at from \$1,50 to \$1,75—common ticking pantaloons, the material of which cost not over 75 cents, were charged at \$2,00 per pair, and the greater part of these articles were purchased of merchants who received for pay the labor of the convicts at fifty cents per day.

This per centum or profit the Warden contended he had a right to charge on account of the depreciation of the script issued, but your Committee could not understand the merits of his reasoning.

And still another cause may be found in the pay of the guard which has been previously indirectly explained.

The means or rather the want of any means at all for the moral, religious, or any other kind of instruction or improvement of the convicts forms another item which your Committee deem proper to notice here. So far as they can learn, there never has been any way provided or system adopted for the reformation or instruction of the convicts. It seems almost to have been forgotten by the authorities of Iowa, that the great object of the prison and prison discipline of other States in the nineteenth century, is to reform, soften, and make better the unfortunate victim of bad passions and a hardened heart. For in our Territory, he is consigned to a loathsome cell, or is associated with companions seven fold more the children of hell than himself—with no stimulants to virtue, he drags out miserably his time in vice and debasing communications, when the small offender is turned loose upon community, an abandoned and an accomplished villain. In view of such an evil result, your Committee would recommend, that your honorable body provide some means for the religious and moral instruction of the convicts, and thereby obtain some of the benefits for which penitentiaries are instituted in other States.

And here, your Committee deem it proper to notice another evil in the present organization of the penitentiary system (if system it can be called,) we mean the practice of sending discharged prisoners away



with nothing but their old prison clothes; creating the necessity of immediate crime, in order to hide their shame and also obtain more honest employment, for there are but few who will harbor or give employment, to persons in tattered prison garments, let their intentions be ever so honest.

Your committee would therefore recommend that some steps be taken to furnish each prisoner, when discharged, with a comfortable suit of clothes and the means to get where he can find some honest employment.

A correct estimate of the property belonging to the penitentiary was thought important to a proper understanding of the matter, in case the Legislature should deem it expedient to lease said penitentiary, as the resolution seemed to indicate. Your committee, therefore, with the assistance of the gentlemanly Warden made out a complete list, of all the property, tools, &c. belonging to the prison, to every article of which a value was fixed by the committee. This property is fast depreciating in value by exposure to the weather and abstraction for want of the proper buildings to store it in, in an especial manner is the fact in regard to the rock which forms an important item of debt and credit in the prison accounts.

This item consists of between fifty and sixty perch of stone, some of which lays scattered about the prison yard, all slackened and crumbled in pieces, almost valueless to the Territory,—some on this bank of the river, and some on the other, and some at the quarry in Illinois, in all about sixty dollars worth, or would be if proper care was taken to preserve what remains of it not yet abstracted or lost by any other process of nature or art.

The value fixed in the following inventory may not be in every particular the true one, but in the main will be found to answer all the purposes for which it is intended. The edged tools especially, have been so exposed to damp and wet for want of suitable shelter, that it would be difficult indeed to arrive at anything like a correct estimate of their value.



Value of tools and materials belonging to penitentiary:	
Blacksmith's tools,	\$81 22
Coopers do	51 37
Carpenters do	27 75
Quarrying do	6 81
Shoemakers do	1 50
Apparatus for raising rock,	60 00
Tools for getting wood,	10 00
Kitchen and Cell furniture,	14 12
Shaving tools,	1 00
Two Stoves and pipe,	15 00
Copper pump and pipe,	15 00
Instruments for safe keeping of prisoners,	12 00
Instruments for defence one pistol,	3 00
Rock as before mentioned,	60 00
Materials for making barrels,	36 62
Articles manufactured,	27 50
Old materials on hand,	7 25
Materials for finishing two cells,	11 00
Total,	—————\$441 44

Finally, if the present system be continued, your Committee would suggest that a different mode of book-keeping be adopted for the penitentiary. Not only should the Warden be required to keep a plain account—debt and credit of all the articles furnished—disposed of or labor performed, but likewise show of whom purchased—to whom disposed; and for whom labor was performed, with proper vouchers in all cases where such can be obtained. Not that your Committee would wish or intend to cast any reflection, whatever to the injury of the present Warden. But then such a requirement would do away with those suspicions that must necessarily attach to every public officer, where he does not produce the evidence of his doings, be his intentions as honest as they may.

But if the Legislature, in its wisdom, should deem it expedient to lease the penitentiary, then too much care and caution cannot be exercised to a proper disposal of the business, and in the opinion of your Committee, the first and most important point to be settled would be to obtain for a lessee a man perfectly responsible, able, and willing to perform all that may be required of him—of good business habits and capacities. Next would be to require him to confine his operations,



(so far as the penitentiary was concerned) exclusively to that kind of business which shall least come into competition with the laborers and mechanics of the Territory; this cannot be too strongly guarded against.

Here your Committee would beg indulgence for so frequently urging this point upon your notice, and they would have left it entirely to your more mature wisdom and better discretion, were it not for the frequent advice of a large number of the good citizens of this community.

So frequent have the Committee been spoken to on this point, that they believe they are but conveying to your honorable body, the will of a very large and respectable portion of your constituents.

In conclusion, your Committee would say, that as a practice to be continued and persevered in, they know of no argument in favor of the proposed plan of leasing the penitentiary. The subjection of a fellow being to the will and caprice of another, seems not in harmony with American sympathies and feelings. But the newness of the Territory—the state of its revenues—the prison debt and its probable increase—the want of any prison discipline or system, all concur in inducing us to recommend, that the penitentiary be leased for the term of from five to ten years, under such regulations as the Legislature in its wisdom may direct, provided a lessee can be obtained, who is able, capable, honest, and will comply with the conditions prescribed.

The Committee have received one proposal for leasing the penitentiary which is herewith submitted. Since the above was written another proposal has been received, also submitted.

In the report of the Warden to the May session of the Legislature, will be seen an item in the account of the bill of property accumulated, amounting to five hundred and eight dollars, which differs with the estimate of your Committee to the extent of some one hundred and forty dollars, a difference which perhaps, may in part be accounted for in the consumption of provisions and the disposal of the raw materials for manufacturing as well as articles manufactured. This it will be seen, by reference to the report of the Warden, will increase the aggregate of the penitentiary debt to the amount of one hundred and forty dollars more than therein stated. And your Committee would here deem it proper to notice another fact in the mode of doing business at the penitentiary. By an examination of the books of some of the merchants of Fort Madison, it was found that there was charged to the penitentiary a large amount of articles obtained by the Warden for his



own private use. This also possibly may at some future day swell the debt of the Territory still more; and a guard against such a contingency would seem to be necessary for the future.

## COMMUNICATION

### FROM THE GOVERNOR.

*Gentlemen of the Council, and of the*

*House of Representatives:*

From information received from a reliable, though unofficial source, I learn that the Sheriff of Davis County, in the execution of a writ of attachment sued out of the office of the Clerk of said county, against the property of an individual residing on the tract of land in dispute between the State of Missouri and this Territory, was arrested some ten days or two weeks since by the authorities of Schuyler county, Missouri, on a charge of attempting to exercise the functions of his office within the organized limits of said State, and was only released upon executing security for his appearance at the next term of the court of the said county of Schuyler; I further learn also, that a few days subsequent to the occurrence just related, another attempt was made by a considerable body of men claiming to be citizens of Missouri to resist the execution of process by the sheriff of Davis county, but without success: the sheriff and his posse, in defiance of all threats and attempts at intimidation, and in the face of a superior force, having duly executed the writ, and secured the property attached.

I deeply regret that it becomes my duty to communicate to the Legislative Assembly this unpleasant intelligence. The fact that the Legislature of Missouri, in March last, enacted a law having for its alleged object the amicable settlement of the boundary difficulty in the Supreme court of the United States, authorized the belief that no attempt would be made on the part of the authorities of that State to enforce jurisdiction beyond her heretofore recognized boundary line, un-



til advised of the rejection of the proposed mode of adjustment by this Territory; and if not rejected, but assented to, to the extent of our control over the matter, (as I entertain no doubt it will be before the adjournment of the present Legislature) until such time as a decision can be obtained in the manner and form suggested. It appears, however, that this expectation is not to be realized. Iowa having exercised undivided jurisdiction over the country in dispute, so far as the same has been embraced within the limits of her organized counties, ever since her organization as a Territory, now nearly eight years, cannot be expected to relinquish her claim at the present moment, with the prospect of a speedy and final adjustment of the difficulty full in view. With us, it should be constantly borne in mind, the question is one of maintenance of boundary and jurisdiction, while with Missouri it is one of encroachment and extension. This distinction I conceive to be necessary to the correct appreciation of the true merits of the controversy, and important as security to exonerate Iowa from responsibility for any unhappy consequences which may ensue. A strong and energetic appeal to Congress for the speedy enactment of such a law as will authorize the litigation of the question in the Federal court at Washington, will demonstrate the willingness of this Territory to settle the difficulty in an amicable spirit, and at the same time, it is hoped, will call forth action of the character prayed for, by which future collision may be avoided. This step once taken, our control over the matter ends.

There is great reason to apprehend that the state of things which has existed on the theatre of dispute for the last year and upwards, cannot long continue without producing results of a more serious character than any that have yet taken place. With the lapse of time the causes of difficulty and collision may be expected to multiply until a spirit of hostility, is engendered between the parties which can scarcely fail to end in open conflict. The opposition of force to force, in the due execution of the laws, is an alternative which can only be justified after all pacificatory measures have been exhausted; and so far as the authorities of this Territory are concerned, I trust and believe no efforts consistent with a just sense of our rights, will be spared to avoid the necessity of resorting to such alternative. Still it is respectfully submitted to the wisdom of the Legislature whether some precautionary measures should not be adopted to sustain the officers of the law in the discharge of their duty under all exigencies.

The sheriff of Davis county having executed security for his appea-



rance at the next term of the Schuyler county court, which commences its session in April, it is but just and proper that counsel should be assigned him by the Territory. In the absence of any authority for the employment of such counsel, I respectfully recommend to the Legislative Assembly the passage of a law empowering the Executive to employ counsel in this and other similar cases which may hereafter arise, and that the expenses of such legal services be made payable out of the Territorial Treasury.

JAMES CLARKE.

EXECUTIVE OFFICE, Jan. 9, 1846.



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# RULES

OF THE

## HOUSE OF REPRESENTATIVES.

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### DUTY OF THE SPEAKER.

1. He shall take the Chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order, and on the appearance of a quorum, shall cause the Journal of the preceding day to be read.

2. He shall preserve order and decorum, and speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any two members.

3. He shall rise to put a question, but may state it sitting.

4. Questions shall be distinctly put in this form, to-wit: "As many as are of opinion that [as the question may be] say AYE"—and, after the affirmative voice is expressed, "As many as are of the contrary opinion say No." If the Speaker doubts, or a division be called for the House shall divide. Those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

5. The Speaker shall have a right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

6. All Committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

7. In all cases where the House is equally divided, the Speaker shall give the casting vote, and shall also vote on a call of the Ayes and Noes.

8. All Acts, Addresses, and Joint Resolutions shall be signed by the Speaker; and all Writs, Warrants, and Subpoenas, issued by order of the House, shall be under his hand and seal, attested by the Clerk.



9. In case of any disturbances or disorderly conduct in the lobby, the Speaker or Chairman of the Committee of the Whole House, shall have power to have the same cleared.

#### 10. ORDER OF THE BUSINESS OF THE DAY.

After the Journal is read, the following order shall govern:

- 1st—Petitions or Remonstrances to be offered.
- 2d—Resolutions and Notices to bring in Bills.
- 3d—Reports of Committees.
- 4th—Bills to be introduced, of which notice has been given.
- 5th—Messages and Communications on the Speaker's table.
- 6th—Bills and Resolutions ready for a second reading.
- 7th—Bills on their passage.
- 8th—Reports in possession of the House, which offer grounds for a Bill, are to be taken up, in order that the Bill may be ordered in.
- 9th—Bills or other matters before the House and unfinished the preceding day.

#### OF DECORUM AND DEBATE.

11. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to "Mr. Speaker," and shall confine himself to the question under debate, and shall avoid personalities.

12. If any member, in speaking or otherwise, transgress the Rules of the House, the Speaker shall, or any member may, call to order; in which case, the member so called to order, shall immediately sit down, but may be permitted, with leave of the House, to explain; and the House shall, if appealed to, decide the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to; if the decision be in favor of the member called to order, he is at liberty to proceed; if otherwise, he shall not be permitted to proceed without leave of the House; and if the case require it, he shall be liable to the censure of the House.

13. When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.

14. No member shall speak more than twice on the same question, without leave of the House, nor more than once until every member choosing to speak shall have spoken.

15. Whilst the Speaker is putting any question, or addressing the



## APPENDIX.

House, none shall walk out of, or across, the House while a member is speaking, shall entertain private discourse; nor shall a member, while a member is speaking, shall pass between him and the Chair.

16. No member shall vote on any question, in the event that he is immediately and particularly interested; or in any case without the Speaker's consent, if he was not present when the question was put, unless the Speaker again state the question.

17. Upon a division and count of the House on any question, no member without the bar shall be counted.

18. Every member who shall be in the House when the question is put, shall give his vote, unless the House, for special reasons, shall excuse him.

19. When a motion is made and seconded, it shall be stated by the Speaker; or, being in writing, it shall be handed to the Chair, and read aloud by the Clerk before debated.

20. Every motion shall be reduced to writing, if the Speaker, or any member desire it.

21. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in the possession of the House, but may be withdrawn by leave of the House.

22. When a question is under debate, no motion shall be received but to adjourn; to lie on the table; for the previous question; to postpone to a day certain; to commit or amend; to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain; to commit or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition. A motion to strike out the enacting words of a bill, shall have precedence of a motion to amend, and, if carried, shall be considered equivalent to its rejection.

23. When a Resolution shall be offered, or a motion made, to refer any subject, and different Committees shall be proposed, the question shall be taken in the following order:

The Committee of the Whole House. a Standing Committee; a Select Committee.

24. A motion to adjourn shall always be in order, excepting when a member is speaking, or the House voting; that, and the motion to lie on the table, shall be decided without debate.

25. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by



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9. In case of an members present; and, until it is decided, shall pre-  
the Speaker or ment and further debate upon the main question.  
have power previous question there shall be no debate.  
When a question is postponed indefinitely, it shall not be acted  
in during the session.

28. Any member may call for a division of the question, which shall  
be divided, if it comprehends questions so distinct that one being ta-  
ken away, the rest may stand entire for the discussion of the House;  
a motion to strike out, being lost, shall preclude neither amendment  
nor a motion to strike out and insert.

29. Motions and Reports may be committed at the pleasure of the  
House.

30. No motion or proposition on a subject different from that under  
consideration, shall be admitted under color of amendment.

31. When a motion has been once made, and carried in the affirma-  
tive or negative, it shall be in order for any member in the majority to  
move for the reconsideration thereof, on the same or succeeding day,  
and such motion shall take precedence of all other question, except a  
motion to adjourn.

32. Petitions, Memorials, and other papers addressed to the House,  
shall be presented by the Speaker, or by a member in his place, a brief  
statement of the contents thereof, shall verbally be made by the intro-  
ducer, and shall not be debated or decided on the day of their being  
first read, unless where the House shall direct otherwise, but shall lie  
on the table, to be taken up in the order they were read.

33. A proposition, requesting information from the Governor, Sec-  
retary, or any other Territorial Officer, shall lie on the table one day  
for consideration, unless otherwise ordered by unanimous consent of  
the House; and all such propositions shall be taken up for considera-  
tion in the order they were presented, immediately after reports are  
called for from Select Committees, and when adopted, the Clerk shall  
cause the same to be delivered.

34. Any five members, if the Speaker be in the Chair, shall be au-  
thorized to compel the attendance of absent members.

35. Upon calls of the House, or in taking the Yeas and Nays on  
on any question, the names of the members shall be called alphabet-  
ically.

No member shall absent himself from the service of the House  
without leave, unless he is sick or unable to attend.



## APPENDIX.

37. Upon a call of the House, the names of the members shall be called over by the Clerk, and the absentees noted, and the names of the absentees shall again be called over, and the House Arms shall be directed by the Speaker to compel their attendance.

38. No Committee shall sit during the sitting of the House without special leave.

39. Fourteen members, including the Speaker, shall constitute a quorum, and, upon the demand of any two members, the Ayes and Noes shall be ordered.

40. The hour to which this House shall stand adjourned from day to day, shall be 10 o'clock, A. M., and 2 o'clock, P. M., unless otherwise ordered by the House.

### OF BILLS.

41. Every Bill shall be introduced by motion for leave, or by an order of the House on the Report of a Committee. One day's notice at least shall be given of the motion to bring in a Bill.

42. Every Bill shall receive three several readings in the House previous to its passage; and all bills shall be despatched in the order they were introduced, unless where the House shall direct otherwise, but no bill shall be twice read on the same day without special order of the House.

43. The first reading of a bill shall be for information; and if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

44. Upon a second reading of a bill, the Speaker shall state that it is ready for commitment, or engrossment; and if committed, then the question shall be whether to Select or Standing Committee, or to a Committee of the Whole House. If to a Committee of the Whole House, the House shall determine on what day; but if the bill be ordered to be engrossed, the House shall appoint the day when it shall be read a third time.

45. After a bill has been committed and reported back, it shall be considered on its second reading after the amendments of the Committee have been read.

46. After commitment and report thereof to the House, or at any time before its passage, a bill may be recommitted.

47. All bills ordered to be engrossed shall be executed in a fair round hand.



9. In case of an amendment, unless by way of rider, shall be received to any the Speaker or <sup>and</sup> reading.

When a bill shall pass, it shall be certified by the Clerk, noting the day of its passage at the foot thereof.

OF COMMITTEE OF THE WHOLE HOUSE.

50. In forming Committees of the Whole House, the Speaker shall leave his Chair, and a Chairman to preside in Committee shall be appointed by the Speaker.

51. Upon bills committed to Committee of the Whole House, the bill shall be first read throughout by the Clerk or Chairman, and then again read and debated by clauses, leaving the preamble to be last considered; after report, the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.

52. All amendments made to an original motion in Committee; shall be incorporated with the motion, and so reported.

53. All amendments made to a report committed to a Committee of the Whole House, shall be noted and reported as in case of bills.

54. All questions, whether in Committee or in the House, shall be propounded in the order which they were moved, except that in filling up blanks, the largest sum and longest time shall be first put.

55. The rules of the House shall be observed in Committee of the Whole House, so far as they are applicable.

56. No standing rule, or order of the House, shall be recinded or changed, without one day's notice being given of the motion therefor, nor shall any rule be suspended except by a vote of at least two-thirds of the members present; nor shall the order of business, as established by the rules of the House, be postponed or changed, except by a vote of at least two-thirds of the members present.

57. It shall be in order for the Committee on Enrolled Bills to report at any time.

58. No Bill, Memorial, or Joint Resolution, shall be printed unless ordered by the House.

59. When any matter is referred to a Standing Committee, by motion of any member, it shall be the duty of the Chairman of such Standing Committee to notify such member of their time of sitting upon such matter so referred; and said member shall be permitted to confer with such Committee during their consideration of such matter.



## JOINT RULES OF BOTH I

1. In every case of an amendment of a bill agreed to in one House and dissented to in the other, if either House shall require, and appoint a Committee for that purpose, and the other House shall also appoint a Committee to confer; such Committee shall, at convenient hour, to be agreed on by their Chairman, meet and state to each other, verbally or in writing, as either shall choose, the reason of their respective Houses, for and against the amendment, and confer freely thereon.

2. When a message shall be sent from the Council to the House of Representatives, it shall be announced at the door of the House by the door-keeper, and shall be respectfully communicated to the Chair, by the person with whom it may be sent.

3. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Council.

4. Messages shall be sent by such persons as a sense of propriety in each House may be deemed to be proper.

5. After a bill shall have passed both Houses, it shall be duly enrolled by the Clerk of the House or of the Council, as the bill may have originated in the one or the other House, before it shall be presented to the Governor.

6. When bills are enrolled, they shall be examined by a Joint Committee of two from the Council and two from the House of Representatives, appointed as a Standing Committee for that purpose; who shall carefully compare the enrolment with the engrossed bills, as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the House in which the bill originated.

7. After examination and report, each bill shall be signed in the respective Houses; first by the Speaker of the House of Representatives, then by the President of the Council.

8. After a bill shall have been thus signed in each House, it shall be presented by the said Committee to the Governor for his approbation, it being first endorsed on the back of the roll, certifying in which House the same originated, which endorsement shall be signed by the Secretary of the House in which the same did originate, and shall be entered on the Journal of each House; the said Committee shall report the day of presentation to the Governor, which shall also be entered on the Journal of each House.



resolutions and votes which are to be presented to his approbation, shall also, in the same manner, be examined and signed, and shall be presented in the the Speaker or <sup>and</sup> by the same committee, as provided in cases of have power.

10. When a bill or Resolution, which shall have been passed in one House, is rejected in the other, notice thereof is to be given to the House in which the same may have passed.

11. When a bill or resolution, which has been passed in one House, is rejected in the other, it is not to be brought in during the same session, without a notice of five days, and leave of two-thirds of the House in which it shall be renewed.

12. Each House shall transmit to the other all papers on which any bill or resolution may be founded.

13. After each House shall have adhered to their disagreement, a bill or resolution is lost.

14. When bills which may have passed one House, are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the House making the order.

15. All Messages, Reports, or other documents, presented to either House for general information, and ordered to be printed by such House, shall, when printed, be for the use of both Houses.

16. It shall be the duty of the Chief Clerk of the House, or the Secretary of the Council, when any such document is ordered to be printed in their respective Houses, forthwith to communicate such order to the other, so that the same order may not be made in both Houses.



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